

Chemiqua Ellington - Cross

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1 A Yes.

2 Q Okay. Now, Ms. Ellington, you indicated it
3 was some time that evening that Carl Smalls showed up
4 at your room?

5 A Yes.

6 Q And that was at Columbia College -- or USC?
7 Where do you go to school? I didn't even catch that.

8 A Columbia College.

9 Q Columbia College. He showed up at your room?

10 A Yes.

11 Q Okay. Then y'all decided to go to Club
12 Voodoo's?

13 A Yes.

14 Q Okay. And so you, and he, and your friend
15 Shameka --

16 A Yes.

17 Q -- went to Voodoo's?

18 A Yes.

19 Q And you got there about 11:10, 11:15,
20 somewhere in that area?

21 A Yes.

22 Q Okay. Now, up until that time, had Carl
23 Smalls been drinking at all?

24 A He had a Bud Lite, but he wasn't intoxicated.

25 Q Okay. Well, what I'm asking you is what he

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1 had to drink.

2 A A Bud Lite, and that's it, as I can remember.

3 Q Do you recall him having some kind of
4 liqueur?

5 A Yes, I do.

6 Q What was that?

7 A I think some Courvoisier, I think. I think
8 that's what it was.

9 Q And when was that?

10 A He had it in my room.

11 Q Had it in your room before you went to the
12 party?

13 A Yes.

14 Q Okay. What is that? That's a liqueur --

15 A Yes.

16 Q -- or liquor, or what?

17 A Yes, it is.

18 Q Do you remember how much he had?

19 A No. He had it in my room, but I don't
20 remember him drinking that. I remember him drinking
21 the Bud Lite.

22 Q Okay. But you have some recollection of him
23 having this liqueur?

24 A Yes.

25 Q Okay. Now, when you got to Club Voodoo's,

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1 you indicated that you saw an old friend of yours,
2 Bernard Rembert?

3 A Yes.

4 Q And Bernard Rembert is a football player at
5 Clemson?

6 A Yes.

7 Q Okay. And you knew him because he was from
8 Charleston, is that right?

9 A Yes.

10 Q Okay. And I believe you said that Mr.
11 Rembert came up and spoke to you?

12 A Yes.

13 Q And at that point, Carl Smalls came up and
14 had some words with Mr. Rembert?

15 A He didn't come up to him immediately.

16 Q Did he come up to him eventually?

17 A Yes.

18 Q Okay. And he had some words with Bernard
19 Rembert?

20 A Yes.

21 Q Okay. And you told us before that Carl
22 Smalls was not upset. Isn't that what you told the
23 jury a few minutes ago?

24 A Yes, he wasn't upset. Naturally, I think he
25 would not be upset but ego trip, another man seeing

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1 somebody else talking to his girlfriend in front of
2 millions of people there that night. Naturally, you
3 would be upset.

4 Q Okay. So he was upset?

5 A Not upset. I think it was because all his
6 friends were there. I think it was just because he saw
7 him talking to me more than one time. He wasn't upset.

8 Q Okay. Now, you gave the Sheriff's Department
9 a statement that same morning, isn't that right?

10 A Yes.

11 Q Do you recall telling Investigator Smith that
12 Carl had been up in Bernard's face, and he bumped him?

13 A Yes.

14 Q You said that to them, didn't you?

15 A Yes.

16 Q Then you said they had words, but people were
17 holding them back to keep them from fighting. Do you
18 recall making that statement?

19 A Because he did that because Bernard said
20 something to him, and, naturally, you're going to say
21 something back.

22 Q Okay. But would you agree with me that Carl
23 Smalls was a little more than just upset?

24 A No, I wouldn't.

25 Q Even though he came up and got in this man's

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1 face and bumped him?

2 A Like I said before, I think it was an ego
3 trip.

4 Q But you agree that he did go up and bump him?

5 A Yes, he did.

6 Q And he was having this ego trip because
7 another man was talking to his girlfriend --

8 A Yes.

9 Q -- which was you, right?

10 A Yes.

11 Q And he was upset about it, isn't that right?

12 A Well, if that's how you want to put it, I
13 guess.

14 Q Okay. Now, Ms. Ellington, some time after
15 that you indicated that you decided to leave?

16 A Yes.

17 Q And you had gone there with Carl Smalls and
18 Shameka in your car?

19 A Yes.

20 Q Carl Smalls had your keys?

21 A Yes.

22 Q Okay. And you said that you were walking out
23 to the parking lot, and you got separated from Carl
24 Smalls?

25 A Yes.

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1 Q Okay. And then later you got your keys from
2 him?

3 A Yes -- I didn't per se.

4 Q A police officer did?

5 A Yes.

6 Q Okay. So you had to ask a police officer or
7 somebody else had to ask a police officer to get the
8 keys from Carl Smalls?

9 A Carl was on the opposite side of the parking
10 lot from where I was. I didn't see him. And one of my
11 friends spotted him, and the cop was just there, not
12 hollering across the parking lot telling him to get the
13 keys. She asked the cop to get the keys as just to
14 please ask him to give us the keys so we can go.

15 Q Okay. Now, was Carl Smalls agitated at you
16 at this point?

17 A No, he wasn't.

18 Q He wasn't upset with you?

19 A No, he wasn't.

20 Q You weren't upset with him?

21 A No, I wasn't.

22 Q Was there any reason you couldn't go up and
23 say, "Carl, let me have my car keys"?

24 A I was in the car, and somebody sitting right
25 here, naturally, I'm not upset with him, just asked her

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1 to get the keys -- or she asked him. I didn't even see
2 him.

3 Q Okay. But y'all had to get a police officer
4 to get the keys?

5 A He was there. He was standing outside. And
6 instead of us moving out of the car, getting out the
7 car, parking the car, and going across the parking lot
8 and possibly losing him again, she just asked the cop
9 to get the keys from him. We were in the car -- in her
10 car -- getting ready to leave.

11 Q Okay. So the police officer just went and
12 fetched the keys for y'all?

13 A Yes, that's all he did.

14 Q He didn't do it because there was any
15 difficulty between y'all?

16 A No, he didn't.

17 Q Okay. Do you remember when you gave your
18 statement to the Sheriff's Department making the
19 statement, "I wanted to go, but Carl wouldn't give me
20 my keys"?

21 A I meant that he wouldn't give me my keys when
22 we were in the club. Somebody was shooting outside.
23 That's why I didn't have my keys. When we went
24 outside, we lost him. He wouldn't give me my keys
25 because somebody was shooting outside, and he didn't

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1 want me to get caught up in the crossfire, and my
2 friend Shameka.

3 Q But you did make the statement Carl wouldn't
4 give you the keys?

5 A Yes, I did.

6 Q And you did have to get a police officer to
7 get the keys from Carl?

8 A No, I didn't. He was there, standing in
9 between the car and my friend, and he got the keys
10 because we didn't want to get out, move the car, park
11 the car, and come back and get the keys and possibly
12 lose him again.

13 Q Ms. Ellington, isn't it a fact that Carl was
14 so upset at that point that you didn't want to approach
15 him to get the keys, that he was agitated, he was mad?

16 A No, he wasn't. Like I said before, we had a
17 discussion about it in the club. That was that. I
18 told Carl it was unnecessary. He didn't have to act
19 like that over something so petty. He could lose his
20 scholarship or something else. And that was the end of
21 that. He understood. We even danced after that.

22 Q Okay. Did you see him getting in any
23 altercations with other people other than Bernard
24 Rembert?

25 A No, I didn't.

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1 Q You didn't see that?

2 A No, I didn't.

3 MR. LITTLEJOHN: If you'd indulge me
4 just a moment.

5 THE COURT: Yes, sir.

6 Q No further questions, Your Honor.

7 THE COURT: Okay. Thank you.

8 THE COURT: Mr. Jeffries.

9 MR. JEFFRIES: Briefly, Your Honor.

10 THE COURT: Yes, sir.

11 REDIRECT EXAMINATION

12 BY MR. JEFFRIES:

13 Q Why did Carl have your keys in the first
14 place?

15 A I didn't have any pockets on my pants.

16 Q Okay. Did you say earlier in your direct
17 testimony there was some type of shooting outside?

18 A Yes.

19 Q And you saw the police when you were outside?

20 A Yes.

21 Q And you also stated you and Carl left on good
22 terms?

23 A Yes, we did. The last thing he said to me
24 was that he loved me.

25 Q Nothing further.

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1 THE COURT: Thank you, sir.

2 MR. LITTLEJOHN: Nothing further.

3 THE COURT: Nothing further?

4 THE COURT: Ma'am, you may step down.

5 Thank you.

6 THE COURT: All right, ladies and
7 gentlemen of the jury, we're going to take a short
8 break. You all return to the jury room. Do not
9 discuss the evidence or the testimony you've heard or
10 seen thus far. We'll bring you back out shortly.
11 Thank you.

12 (Jury out at 11:01 a.m. for
13 break.)

14 THE COURT: Thank you, sir.

15 THE COURT: Anything before we take a
16 break, counsel?

17 MR. PASCOE: Your Honor, one of our
18 witnesses has not shown up. As we mentioned to you, if
19 we still can't locate him, can we get a bench warrant?

20 THE COURT: Motion granted.

21 MR. PASCOE: Thank you, Your Honor.

22 THE COURT: Thank you.

23 THE COURT: Counsel, we're going to take
24 a break. Give me about five minutes. And, Mr.
25 Kendrick, if you can join us back in chambers, I need

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1 to see all counsel. Give me about five minutes,
2 though. We'll be in recess for about ten minutes.
3 Thank you.

4 (Break in proceedings.)

5 THE COURT: All right, counsel. We've
6 had some discussions back in chambers, and I don't at
7 this point know that we need to go any further on that
8 topic matter. But I'll talk to you all at the lunch
9 break about that. Let me tell everybody, both sides,
10 that we're going to try this case. We're going to do
11 it fairly. We're going to do it in a civil manner.

12 We're going to adhere to proper
13 courtroom etiquette and decorum with each other and
14 with the Court. I think you all know I don't lose my
15 patience very often, but when I do, it's not good. And
16 my level of patience with a couple of things is
17 diminishing quickly. So we'll talk at the lunch break.
18 Are both sides ready to receive the jury?

19 MR. PASCOE: Yes, Your Honor.

20 MR. LITTLEJOHN: Yes, Your Honor.

21 THE COURT: We're ready for the jury.

22 Thank you, sir.

23 (Jury back in at 11:47 a.m.)

24 BAILIFF: The jury is all present, Your
25 Honor.

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1 THE COURT: Thank you, sir.

2 THE COURT: Thank you, ladies and
3 gentlemen. I'm sorry that took a little bit longer. I
4 had to address some other matters unrelated to this
5 case and dealing with some stuff with the lawyers that
6 I needed to do outside your presence. But we're ready
7 to continue, and the State may call their next witness.

8 MR. PASCOE: Thank you, Your Honor.

9 THE COURT: Thank you, sir.

10 MR. PASCOE: The State calls Derrick
11 Cattenhead.

12 BAILIFF: Sir, place your left hand on
13 the Bible, raise your right hand, and face the Clerk.

14 (The witness was sworn.)

15 CLERK OF COURT: Please have a seat,
16 sir, and state your full name for the record.

17 THE COURT: Be sure you speak loud
18 enough for everybody to hear you.

19 MR. CATTENHEAD: My name is James
20 Derrick Cattenhead.

21 JAMES DERRICK CATTENHEAD,
22 having first been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. PASCOE:

25 Q Good morning, Mr. Cattenhead.

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1 A Good morning.

2 Q How old are you, sir?

3 A I'm 31.

4 Q And are you currently getting a degree?

5 A I am.

6 Q What type of degree are you getting?

7 A Master of Divinity.

8 Q Okay. Where did you get your undergraduate
9 degree?

10 A University of South Carolina.

11 Q When did you graduate from USC?

12 A Officially, in May of this year.

13 Q Okay. And were you in any fraternity back
14 then?

15 A Yes, Alpha Phi Fraternity, Incorporated.

16 Q That's Alpha Phi Alpha?

17 A Yes.

18 Q And do you recall the late night hours of
19 Friday, December 6th, and the early morning hours of
20 Saturday, December 7th, of last year?

21 A Yes, sir, I do.

22 Q And where did you end up going, Mr.
23 Cattenhead?

24 A It was Club Voodoo. It was like the end of
25 the year party for my fraternity.

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1 Q Approximately what time did you get to Club
2 Voodoo's?

3 A It was between 12:30, 1:00, something like
4 that.

5 Q And why did you go?

6 A Well, actually, I was studying for a final
7 exam, and I was burned out, and I wanted to get out and
8 support the chapter.

9 Q Okay. Who sponsored the party?

10 A My actual chapter.

11 Q And did you hold any positions as an Alpha
12 back then?

13 A I did.

14 Q What was your position?

15 A I was assistant state director.

16 Q As the assistant state director of Alpha,
17 would you have anything to do with the party?

18 A Not directly.

19 Q Okay. Why is that?

20 A Because of my position, I was actually over
21 all of the collegiate chapters in South Carolina. So,
22 for the most part, I was hands-off anything unless
23 there was a problem or something like that. But I also
24 liked to support the chapters throughout the state.

25 Q All right. You testified you got to the

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1 party after midnight. Did you have anything to drink
2 that night?

3 A I didn't.

4 Q Okay. While you were at the party that
5 morning, did you observe anything that made you feel
6 uncomfortable?

7 A I did.

8 Q And where were you when you observed that?

9 A It was near -- I guess near the bar, right
10 before you get onto the dance floor.

11 Q You can just stay seated there. I'll show
12 you State's Exhibit 1. Point out where you were
13 standing.

14 A I guess it was around about -- it had to be
15 around right here. I actually didn't know the dance
16 floor was that big. But it was somewhere over here,
17 because I remember it was near the corner -- because I
18 guess it was like a rail or a balcony or whatever, and
19 I was standing right about here, because it was near
20 the corner of the bar.

21 Q And tell the jury what you observed that made
22 you feel uncomfortable. What happened?

23 A Well, I was actually, you know, standing up
24 talking to a couple of my brothers, and out of nowhere,
25 I mean, it was like two guys. It wasn't so much an

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1 altercation or anything, but they were actually going
2 back and forth. And, you know, the young man basically
3 told the other gentleman, "You're going to fall like
4 'The Matrix.'" And I'm like, "Are you serious?"

5 This is like something from a movie, you
6 know. But, you know, at that point, you know, a couple
7 of football players were with him, and I assume the
8 guy, Mr. Carl Smalls, was one of the guys, you know,
9 that the gentleman was directly into. And I asked one
10 of the football players, you know, "Is everything
11 okay?" because at that point, you know, I didn't want
12 anything to happen at the party, because, you know, it
13 was a fund-raiser for the most part for the fraternity,
14 and we didn't need any altercations or something like
15 that.

16 So at that point, the football player and the
17 other football player basically said, "You know,
18 everything's okay, Derrick. You know we're not going
19 to let anything happen in the party or nothing like
20 that. So don't worry about that." That was it.

21 Q Let me ask you this. Let me back you up for
22 a minute. You testified about a confrontation that
23 started taking place on that area of the dance floor?

24 A Right.

25 Q How far were you from it?

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1 A Probably a good, I want to say, three feet.

2 That was like right there for the most part.

3 Q It just came right up on you?

4 A Right up on me. I didn't go towards it. It
5 was just like the guys like came up.

6 Q How many people were involved in it?

7 A I would say Carl Smalls, Rachiem -- which he
8 was actually standing to the side -- and maybe about
9 four or five others guys facing, you know, Carl Smalls.

10 Q So it was Carl Smalls, and Rachiem is his
11 friend?

12 A Right.

13 Q And there were four or five guys facing those
14 two?

15 A Right.

16 Q Okay. Could you tell whether it was gang-
17 related at all?

18 A I assumed that it was.

19 MR. LITTLEJOHN: Your Honor, I'm going
20 to have to object to his assumption. If he saw
21 something --

22 THE COURT: I'll let you rephrase that,
23 Mr. Pascoe.

24 MR. PASCOE: Thank you.

25 Q What, if anything, did you see that made you

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1 think it was gang-related?

2 A Hand signals -- I mean, the colors. I was a
3 youth counselor for an organization, and a lot of the
4 kids -- actually, I was like a dummy, I guess, you
5 know, to the fact of gang-related incidents until the
6 kids actually showed me certain things. And it was
7 very familiar.

8 Q And you recognized Rachiem and Carl Smalls
9 there on one side. Did they go to college?

10 A Yes. I didn't know Carl, but I knew Rachiem.

11 Q Okay. Did you recognize any of those other
12 four fellows --

13 A No.

14 Q -- as going to college that you had ever
15 seen?

16 A I never saw any of those guys.

17 Q And was there any one person in particular
18 with those four people that was doing anything?

19 A Yes, it was one guy. It was almost like the
20 rest of the guys were behind him. It was just one guy
21 in particular that was doing all the talking.

22 Q And, if you could, what was that one guy
23 wearing that you recall?

24 A Well, very vividly, the only thing that I can
25 remember is a hat. He had on a hat which was red and

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1 white and black or blue.

2 Q And what, if anything, did you see that
3 person -- how big was that person?

4 A Maybe about 5'8", 5'9", medium size. He
5 wasn't a very big guy -- a medium-sized guy.

6 Q Certainly, a lot smaller than Carl Smalls?

7 A Oh, definitely.

8 Q What, if anything, did you see that person do
9 that made you feel uncomfortable?

10 A Just, you know, when he said, "You're going
11 to fall like 'The Matrix'" and just basically fell back
12 like the trust for all the other guys like caught him.
13 And at that point, that's when I went over to Rachiem,
14 you know, and asked him was everything okay.

15 Q And who was the person in that hat you
16 described, the small person, directing those words to?

17 A It was definitely towards Carl, because
18 Rachiem was in the back of Carl. You know, it was only
19 two guys on one side and then the other guys on the
20 other side.

21 Q Tell the jury -- and I want you to actually
22 even show the jury. If you need to stand up, with the
23 Court's permission, the Judge will let you. I want you
24 to show the jury what the person in the black, red, and
25 white hat that was small -- what complexion was he?

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1 A He was definitely dark-skinned.

2 Q Okay. Show the jury how he said it, the
3 "You're going to fall like 'The Matrix'" towards the
4 victim.

5 A He basically just said, you know -- I guess
6 after the words were exchanged. I didn't know
7 everything that was going on. But he basically said,
8 "Before the night is over with, you're going to fall
9 like 'The Matrix.'" And I was like, unbelievable.

10 Q Did you ever see anything like that before?

11 A Never, I mean, because at our parties, I
12 mean, you have people always -- you know, you have
13 beefs and stuff like that at the parties, but not a
14 direct threat that, you know, "I'm going to kill you."
15 You know, I've never seen that at any of our parties.

16 MR. LITTLEJOHN: Your Honor, I object.
17 I don't believe that's his testimony.

18 THE COURT: He can carry on.

19 MR. PASCOE: Thank you.

20 THE COURT: If you know something, sir,
21 or you perceived something, you can testify as to what
22 you perceived directly. Just don't speculate on things
23 when you don't know, okay?

24 MR. CATTENHEAD: Yes, sir.

25 Q Is that how the person in that hat, small

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1 build with the dark-skinned complexion, was doing his
2 hands?

3 A He was.

4 Q And what did that look like to you that he
5 was doing with his hands?

6 A A gun -- like gunshots.

7 Q Now, you testified that after that, you were
8 concerned and went and talked to Rachiem Monroe?

9 A I did.

10 Q And the victim, Carl Smalls, was there, too?

11 A Well, no, he wasn't in my presence when I was
12 talking to Rachiem.

13 Q Did Carl Smalls appear to be mad?

14 A No, he was calm.

15 Q Was he acting violent at all?

16 A Not when I saw him.

17 Q What you saw that night about "falling like
18 'The Matrix,'" is that something that would normally
19 happen at an Alpha party you've been to?

20 A No.

21 Q Did you actually see the shooting, Mr.
22 Cattenhead?

23 A I didn't.

24 Q Okay. Where were you when the shooting took
25 place?

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1 A I was standing outside like on the sidewalk,
2 like right before you get to the actual pavement --
3 well, actually, in the parking lot.

4 Q Tell the jury what, if anything, you did hear
5 and see.

6 A It was just gunshots and people scattering,
7 and, of course, it was quite natural to be doing, also.

8 Q Sure. Where did you go after you heard the
9 gunshots?

10 A I ducked between some cars and ran to my car,
11 and then I left.

12 Q Can you describe how you heard the gunshots?

13 A I guess I heard the first shot, and then I
14 heard another shot. And after that, I don't remember
15 anything. I mean, I was running, you know, trying to
16 get to my car.

17 MR. PASCOE: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 MR. PASCOE: Thank you.

20 Q Mr. Cattenhead, I want to thank you for
21 coming today. Answer any questions that Mr. Littlejohn
22 has for you.

23 THE COURT: Thank you, sir.

24 THE COURT: Mr. Littlejohn.

25 MR. LITTLEJOHN: Thank you, Your Honor.

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1 CROSS-EXAMINATION

2 BY MR. LITTLEJOHN:

3 Q Mr. Cattenhead, my name is Cam Littlejohn. I
4 represent Jeroid Price.

5 A Yes, sir.

6 Q He's the defendant in this case. You told
7 the jury this was a fraternity party that was put on by
8 Alpha Phi Alpha?

9 A Well, the fraternity is Alpha Phi, but it was
10 a chapter party, which the chapter is at USC?

11 Q Okay. And there were a number of other
12 fraternities and sororities that participated in
13 sponsoring this party, didn't they?

14 A Like I said, I wasn't directly involved with
15 arranging the party. You know, afterwards, they said
16 it was co-sponsored with our sister sorority, which is
17 Alpha Kappa Alpha, but I don't know. I mean, I didn't
18 do the contracts, any paperwork, or anything like that.

19 Q Okay. So you weren't involved in putting the
20 party together?

21 A No, I was not.

22 Q I see. Now, you indicated that you saw Carl
23 Smalls there that night?

24 A I did.

25 Q Okay. He wasn't a member of your fraternity,

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1 was he?

2 A He was not.

3 Q Okay. So, to your knowledge, was he a member
4 of any fraternity or sorority that was putting on this
5 party?

6 A No -- I mean, the only fraternity was Alpha
7 Phi Alpha.

8 Q Okay.

9 A I mean, we don't co-sponsor parties with any
10 other fraternity. Now, we may, you know, periodically
11 do something with a sorority -- you know, Alpha Kappa
12 Alpha or whoever -- but we never co-sponsor a party
13 with another fraternity, not at USC. That's not how we
14 do things.

15 Q So he wasn't one of the fraternity brothers
16 of the fraternity?

17 A He was not one of my fraternity brothers.

18 Q Okay. Now, you said there were a lot of
19 people there that night?

20 A There was.

21 Q How many people do you think were there?

22 A I couldn't even guess. I mean, it was a lot
23 -- more than usual, more than usual -- a lot, a lot.

24 Q Very crowded?

25 A Very crowded.

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1 Q Okay. And a lot of people were drinking?

2 A I assume. I mean, I can't say that they were
3 actually drinking. You know, I wasn't partaking in
4 that.

5 Q You weren't drinking at all?

6 A I was not drinking at all.

7 Q But other people were going up to the bar and
8 buying drinks?

9 A Yes, of course.

10 Q So it's a safe assumption they were drinking
11 those drinks they bought?

12 A Yes, yes.

13 Q Okay. People were dancing?

14 A They were.

15 Q Okay. And you said that at some point as
16 you're standing next to the bar that you notice Carl
17 Smalls get in this argument?

18 A It wasn't really an argument, because, like I
19 said, it was like words exchanged, and then I saw a
20 young man, you know, make a motion. But I won't
21 necessarily say it was an argument.

22 Q Okay. And you said that there was Carl
23 Smalls and Rachiem Monroe?

24 A Yes.

25 Q You knew both of them beforehand?

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1 A I didn't know Carl. Actually, when I came in
2 the club and someone pointed him out, that was the
3 first time that I ever saw. I never saw him before.

4 Q So that's the only way you knew him?

5 A That's the only way I knew him. But I knew
6 Rachiem, because I had some classes with him.

7 Q Okay. And you said that Carl Smalls,
8 Rachiem, four or five other guys exchanged some words?

9 A Yes, pretty much.

10 Q And then Rachiem --

11 A Not Rachiem. Rachiem was in the back. The
12 other guys, they wasn't exchanging words, you know. It
13 was just more so that one guy, you know, making a
14 statement to Carl. That was pretty much, you know, the
15 gist of it.

16 Q Okay. But you indicated Carl didn't get
17 upset from that statement?

18 A He didn't, I mean, because, like I said, it
19 was real brief. Right after that, I went up to
20 Rachiem, and he said it's okay. That was it, you know.

21 Q So, according to you, this guy threatened
22 Carl Smalls with a gun, but he didn't get upset?

23 A He didn't. He didn't. That's why, you know,
24 it was kind of weird. You know, I was like, "This is
25 unbelievable." But after talking to Rachiem, you know,

James D. Cattenhead - Cross

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1 quite naturally, I was like, "Okay, it's okay.

2 It's nothing for us to be alarmed" -- because
3 at previous parties, if there's a beginning of an
4 altercation, you know, with security, with us having to
5 pay for security, we automatically get them out of the
6 club in order for the party to keep going on. So at
7 that point, I didn't feel like it was any need, you
8 know, to address any other issue or anything.

9 Q Okay. So you didn't feel that Carl Smalls
10 was upset?

11 A No, I did not.

12 Q And you didn't know him at that point?

13 A I didn't know him.

14 Q And Rachiem Monroe told you everything was
15 okay?

16 A He did.

17 Q So you assumed everything was all right?

18 A I did.

19 Q Okay. Did you see Carl Smalls any other time
20 that night?

21 A No other time that night, because maybe after
22 that, maybe a couple of minutes later -- 30 minutes or
23 so -- I was getting ready to leave. I was only there
24 probably about 30 minutes or so.

25 Q Do you recall seeing Carl Smalls dancing,

James D. Cattenhead - Cross

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1 doing the Crip walk?

2 A I did.

3 Q You did see him do that?

4 A I did.

5 Q Okay.

6 A I don't know if it was the Crip. But from
7 what, you know, the kids in my youth group, you know,
8 did little walks and stuff like that, I think it was
9 pretty close.

10 Q Okay. And then at some point, you saw Carl
11 Smalls draw a line on the dance floor with his foot?

12 A He did.

13 Q Okay.

14 A He did.

15 Q And told Investigator Robertson that when he
16 interviewed you?

17 A I did.

18 Q Okay. And, Mr. Cattenhead, you said you were
19 on the sidewalk when you heard the gunshot?

20 A I was.

21 Q And you said you heard one, then a second
22 shot -- you're not sure if there was a shot after that?

23 A I'm not sure. I was making my way over to my
24 car.

25 Q And you took off?

James D. Cattenhead - Cross

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1 A After the first --

2 Q I mean, you got in your car and left?

3 A After the first shot, I ran, ducked in
4 between some cars. I heard another shot. By that
5 time, I was making my way to my car.

6 Q Okay. So you didn't see anybody get shot or
7 anybody --

8 A I didn't.

9 Q -- shooting?

10 A I didn't.

11 Q Okay.

12 MR. LITTLEJOHN: If you'd indulge me
13 just a moment, Your Honor.

14 THE COURT: Yes, sir.

15 Q Mr. Cattenhead, just one final question. You
16 had mentioned something about a hat. Did a lot of
17 people have hats on that night?

18 A They did. They did.

19 Q There must have been more than a hundred
20 people in there, wouldn't that be safe to say?

21 A Yes, sir.

22 Q Maybe a hundred and fifty?

23 A Yes, sir.

24 Q A lot of them had hats on?

25 A They did.

James D. Cattenhead - Cross

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1 Q Okay, thank you.

2 THE COURT: Thank you, sir.

3 THE COURT: Mr. Pascoe?

4 MR. PASCOE: Just a couple of questions.

5 THE COURT: Yes, sir.

6 MR. PASCOE: Thank you.

7 RE-DIRECT EXAMINATION

8 BY MR. PASCOE:

9 Q Derrick, did Carl draw the line and do the
10 Crip walk before or after he was told that he was going
11 to fall like "The Matrix"?

12 A It was before.

13 Q Before. Did you see him tell anybody that he
14 was going to kill them?

15 A Who, Carl?

16 Q Carl.

17 A Definitely not. He didn't say anything. I
18 mean, he didn't say anything. He did, you know, what I
19 presume to be the Crip mark, drew the line, and stepped
20 back. That was it. He never uttered a word.

21 Q Do you know what "The Matrix" is?

22 A Yes, I know what "The Matrix" is.

23 Q What is it?

24 A It's a movie.

25 Q Okay. That's all I have, Your Honor.

James D. Cattenhead - Redirect

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1 THE COURT: Thank you, sir.

2 THE COURT: Mr. Littlejohn.

3 MR. LITTLEJOHN: Just one follow-up,
4 Your Honor.

5 RE-CROSS EXAMINATION

6 BY MR. LITTLEJOHN:

7 Q Mr. Cattenhead, of course, you didn't follow
8 Carl Smalls around that evening?

9 A I didn't follow him anyone around that
10 evening.

11 Q Okay. So you don't know if he got into other
12 confrontations with girls or other people or anything?

13 A I have no idea.

14 Q Okay. Thank you, sir.

15 THE COURT: Thank you, sir.

16 THE COURT: Mr. Cattenhead, you may step
17 down, sir. Thank you.

18 THE COURT: The State may call their
19 next witness.

20 MR. PASCOE: Thank you. May it please
21 the Court, Your Honor. The State calls Investigator
22 James Richardson.

23 MR. PASCOE: Is Mr. Cattenhead excused,
24 Your Honor?

25 THE COURT: Yes, sir. There's no reason

James D. Cattenhead - Recross

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1 to keep him here.

2 MR. LITTLEJOHN: No objection.

3 THE COURT: Okay, you're free to come
4 and go as you please, sir.

5 MR. CATTENHEAD: Yes, sir.

6 THE COURT: Thank you.

7 MR. PASCOE: Thank you.

8 (The witness was sworn.)

9 CLERK OF COURT: Please have a seat
10 there and state your full name for the record.

11 MR. LITTLEJOHN: Your Honor, may we
12 approach the bench for a moment?

13 THE COURT: Yes, sir.

14 THE COURT: Ladies and gentlemen, I need
15 to take up something with the lawyers outside your
16 presence. I promise you this will take about five
17 minutes or so. We won't leave the courtroom, so we'll
18 bring you right back out. If you'll just return to the
19 jury room. Do not discuss the evidence or testimony
20 you've heard or seen so far. Thank you.

21 (Jury out at 12:10 p.m.)

22 THE COURT: Thank you, sir.

23 THE COURT: Investigator, you may step
24 down while we do this. I think you've already been
25 sworn, sir, and we'll bring you back shortly, possibly.

1 THE COURT: Mr. Littlejohn.

2 MR. LITTLEJOHN: Your Honor, it's my
3 understanding the next witness, Detective Richardson,
4 is a supposed expert in or has investigated gang
5 activity, and the Solicitor's Office intends to put him
6 up to testify, not as to what happened on December the
7 7th at the Voodoo Club but as to generalities as to
8 what gangs do, and what their tendencies might be, and
9 their colors, etc.

10 Your Honor, I would object to that
11 testimony. I don't see where that general line of
12 testimony has anything to do specifically with the
13 incident that occurred on December 7th at the Voodoo
14 Club. There's been some evidence as to animosity
15 between Bloods and Crips, and I think that's a given.
16 The jury understands that. I don't see that they need
17 a full-blown explanation of gang activity.

18 This is not a civic group or a school
19 class that needs to be educated about any groups. I
20 think that would be highly prejudicial in this case.

21 THE COURT: Thank you, sir. You still
22 have an opportunity to voir dire the witness as to his
23 qualifications. But your objection right now is just
24 as to the relevance of his testimony and the
25 prejudicial effect --

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1 MR. LITTLEJOHN: Yes, Your Honor.

2 THE COURT: -- of that testimony? Okay.

3 Thank you, sir.

4 THE COURT: Mr. Sorenson.

5 MR. SORENSON: May it please the Court,
6 Your Honor.

7 THE COURT: Yes, sir.

8 MR. SORENSON: The State's position is
9 that, especially in light of the testimony that this
10 jury has heard over the last day and a half, it would
11 be very relevant, and it would aid the jury in
12 understanding a lot of the testimony that has come
13 before them as far as what flashing signs, Crips,
14 names, stuff of that nature is, along with also stuff
15 that we're going to tie in ultimately with a later
16 witness that was found in this defendant's apartment.

17 As Your Honor understands, the motive
18 that we're putting forward for this crime is that it
19 was a gang-related homicide. And, therefore, I think
20 it would go towards helping explain that motive, in
21 light of other evidence that's going to come in later
22 in the trial, additionally.

23 THE COURT: Anything further, Mr.
24 Littlejohn?

25 MR. LITTLEJOHN: No, Your Honor.

1 THE COURT: Okay, thank you.

2 THE COURT: I do think it's relevant in
3 light of the testimony regarding the flashing of signs
4 and all of that and helping this jury understand sort
5 of some of the signs and what all that means. I had to
6 ask my law clerk what the Crip walk is, even. I'm not
7 from the MTV/BET generation. So I think it would aid
8 them in understanding this testimony.

9 And I think we did introduce some photos
10 yesterday of Mr. Brooks purportedly flashing a gang
11 sign and all of that. They need to understand what
12 this is or not. So I'll allow his testimony.
13 Certainly, Mr. Littlejohn, you still have the right to
14 voir dire him as to his qualifications if you choose
15 to. But we'll let him testify.

16 He actually did not need to leave the
17 room, but I guess he thought he was still sequestered.
18 If you'll tell Investigator Richardson he can come back
19 in.

20 THE COURT: Investigator Richardson,
21 you've been previously sworn. So we'll continue, Mr.
22 Sorenson.

23 THE COURT: If you'll bring the jury
24 back out.

25 MR. SORENSON: Your Honor, I guess

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1 before they come in --

2 THE COURT: Yes, sir.

3 MR. SORENSON: -- there were several
4 items that were recovered during the search of the
5 defendant's apartment. Obviously, we haven't gotten to
6 putting that witness up. I plan on marking them for ID
7 and showing them to this officer during his testimony,
8 with the understanding that we will lay, hopefully, a
9 proper foundation for their admissibility with a future
10 witness who is sworn.

11 THE COURT: You're not introducing them
12 or referring to them as coming --

13 MR. SORENSON: We can mark them for ID
14 if you want.

15 THE COURT: -- from the defendant at
16 this point?

17 MR. SORENSON: That they wouldn't be
18 referred to where they came from at all at this point
19 in time.

20 THE COURT: Okay.

21 MR. LITTLEJOHN: Your Honor, given that
22 setup, I don't know that I have an objection. But I
23 was going to object to them coming in, just by virtue
24 of the fact that they're just red clothing.

25 THE COURT: And we'll deal with it,

1 certainly at the time that they get ready to introduce
2 them. But I'll let this witness as an expert witness
3 testify as to his opinions or conclusions regarding
4 whatever it is they've got for showing, just as long as
5 there's no reference to at this point coming from the
6 defendant. At the point that they put a witness on to
7 introduce it into evidence, I'll certainly hear your
8 objection.

9 MR. LITTLEJOHN: All right.

10 THE COURT: Okay, we're ready for the
11 jury.

12 (The jury returned to the
13 courtroom at 12:15 p.m., after which the following
14 proceedings were had:)

15 BAILIFF: The jury is all present, Your
16 Honor.

17 THE COURT: Thank you, sir.

18 THE COURT: Ladies and gentlemen, we're
19 ready to continue. Thank you for your patience.

20 THE COURT: Mr. Sorenson.

21 MR. SORENSON: Thank you, Your Honor.
22 May it please the Court.

23 JAMES RICHARDSON, having first
24 been duly sworn, testified as follows:

25 DIRECT EXAMINATION

James Richardson - Direct

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1 BY MR. SORENSON:

2 Q Good afternoon, Investigator Richardson.

3 A Good afternoon, sir.

4 Q Will you please tell us where you're
5 employed?

6 A I'm employed with Richland County Sheriff's
7 Department.

8 Q And what are your current duties with the
9 Sheriff's Department?

10 A I'm a full-time gang investigator with the
11 County.

12 Q Okay. And how long have you been in law
13 enforcement, sir?

14 A Altogether, about 16 years, sir.

15 Q Okay. And how long of that have you been in
16 your current capacity as a gang investigator?

17 A Two years, sir.

18 Q Two years. And if you would go through for the
19 jury and kind of tell us a little bit about your
20 specialized training you've had in that regard.

21 A Yes, sir. I've been trained in Florida
22 through the Florida Gang Investigators Association, the
23 North Carolina Gang Investigators Association. I'm
24 currently the Midlands president for the South Carolina
25 Gang Investigators Association. I've done numerous

James Richardson - Direct

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1 speeches, talks, educational type environment to law
2 enforcement, civilians all across the Southeast and
3 here in South Carolina.

4 Q Okay. About how many different lectures do
5 you think you've given over the last two years on gang
6 activity here in the state of South Carolina?

7 A Probably pretty close to 600.

8 Q And you indicated that you're a gang
9 investigator. You've done that for two years. Tell
10 the jury, what does that entail as far as your day-to-
11 day activities?

12 A It mainly entails gathering intelligence and
13 disseminating it through our department and updating
14 our gang intelligence talks as far as for the education
15 of parents. It also entails us interviewing gang
16 members and basically keeping track of where they are,
17 what they're doing, and that type of stuff.

18 Q Okay. And as part of your day-to-day
19 training, you indicated that you interview gang
20 members. You also keep up with reading material and
21 stuff of that nature?

22 A Absolutely, sir. Just about every book that
23 I can get my hands on in reference to gangs, I read.

24 Q Okay. And what associations do you then
25 belong to as a result of your activities as a gang

James Richardson - Direct

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1 investigator?

2 A The North Carolina Gang Investigators
3 Association, the Florida Gang Investigators
4 Association, and the South Carolina Gang Investigators
5 Association.

6 Q And so would it be safe to say that over the
7 last years in law enforcement that you have pretty much
8 dealt exclusively with issues relating to gang activity
9 here in, I guess, specifically the Midlands?

10 A Yes, sir.

11 Q Your Honor, at this time, we'd offer
12 Investigator Richardson as an expert in the field of
13 gangs and gang activity.

14 THE COURT: Any objection or request of
15 voir dire, Mr. Littlejohn?

16 MR. LITTLEJOHN: Your Honor, I want to
17 cross-examine, please.

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION VOIR DIRE

20 BY MR. LITTLEJOHN:

21 Q Investigator Richardson, you indicated that
22 you had gone to training in Florida and North Carolina?

23 A Yes, sir.

24 Q And that's put on by -- what did you say --
25 the Gang Investigators Association?

James Richardson - Cross

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1 A Yes, sir.

2 Q Those are police officers, aren't they?

3 A Yes, sir.

4 Q All police officers?

5 A Not necessarily -- Solicitor's Office, groups
6 like that, yes, sir.

7 Q Okay. So police officers and prosecutors?

8 A Yes, sir.

9 Q Okay. They aren't psychologists, or
10 sociologists, or newspaper reporters?

11 A As far as I know, sir. I don't know their
12 background as far as who makes up their board.

13 Q Okay. But they're all interested in law
14 enforcement as it relates to gangs?

15 A I believe so, yes, sir.

16 Q And that's what you're interested in?

17 A Yes, sir.

18 Q And you work with the Sheriff's Department
19 that investigated this case?

20 A Yes, sir.

21 Q Okay. And you said you had been doing this
22 for two years?

23 A Yes, sir -- full-time for two years.

24 Q Have you received any formal education in
25 this field?

James Richardson - Cross

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1 A Formal education, as in?

2 Q Other than going to these police
3 associations?

4 A No, sir. It's basically self-taught, a lot
5 of it, because it's a continuing entity. It's an ever-
6 flowing entity. Pretty much, you've got to keep track
7 with it on a day-to-day basis.

8 Q Okay. Have you ever written any articles or
9 any treatises on the subject?

10 A I've never written any articles. I've had
11 several that were published through interviews and
12 stuff like that.

13 Q Okay. But you've never written any?

14 A No, sir.

15 Q You've never been published on the subject?

16 A No, sir.

17 Q And most of your activities and day-to-day
18 things are dealing with police officers, is that right?

19 A No, sir -- dealing with gang members, in most
20 cases.

21 Q Okay. As a police officer?

22 A Yes, sir.

23 MR. LITTLEJOHN: Your Honor, --

24 qualifications.

25 THE COURT: Okay. I do find that under

James Richardson - Cross

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1 702, I think he's got the requisite experience and
2 training to be qualified under 702. So I'm going to
3 qualify him as an expert. I note your exception to
4 that.

5 MR. LITTLEJOHN: Yes, Your Honor. That
6 would be an exception --

7 THE COURT: Thank you, sir.

8 MR. LITTLEJOHN: -- for the record.

9 THE COURT: Yes, sir.

10 MR. SORENSON: Thank you, Your Honor.

11 DIRECT CONTINUED

12 Q If you would, Investigator Richardson, please
13 give the jury a little bit of background about the
14 origins of gangs.

15 A Gangs have been around basically since the
16 beginning of time. Where they really started affecting
17 is during immigration to the United States into New
18 York City. Gangs were formed in the neighborhoods as a
19 way to protect their heritage and their culture,
20 because the different heritages were so different, and
21 they were formed as a way to protect those
22 neighborhoods.

23 The current gangs we're seeing today
24 basically came out of two different places, one out of
25 Chicago and one out of L.A. In Chicago, the main hit

James Richardson - Direct

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1 of the gangs started in the late '60s, '70s, and then
2 in L.A., there are gangs dating back to the mid '20s
3 and '30s.

4 Q Okay. And how about types of gangs. What
5 kind are there?

6 A The types of gangs that we're seeing today
7 are two basic types. We have traditionals and non-
8 traditionals. A traditional gang is one that has a
9 history, like out of Chicago or L.A. Non-traditional
10 is like a neighborhood set or something like that. The
11 types of gangs we're seeing are like Crips, Bloods,
12 Pyru, Latin Kings, Gangster Disciples, groups like
13 that.

14 Q Okay. Those names that you just said to the
15 jury, are some of them kind of related to each other,
16 or are they all separate kind of entities?

17 A They're related as in their beliefs in some
18 cases. The Bloods believe under People Nation, which
19 is they believe in like the right side of the body or
20 the left side of the body, and they have certain
21 numbers and stuff that they go by to show their
22 affiliations, so the other gang members, they know who
23 they are.

24 MR. LITTLEJOHN: My objection is
25 continuing throughout, Your Honor.

James Richardson - Direct

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1 THE COURT: Yes, sir. I'm sure it's
2 continuing.

3 A And the other side is the Folk Nation, which
4 are like Gangster Disciples of the Folk Gang, and
5 Hoovers, and groups like that, and Crips.

6 Q Crips fall under that?

7 A Yes, sir.

8 Q Okay. How about specifically here in the
9 Midlands and in Columbia? Do we have gangs --

10 A Yes, sir, we do.

11 Q -- in this area?

12 A Yes, sir, we do.

13 Q What gangs are located here in Columbia?

14 A We have Folk Nation, Gangster Disciples,
15 Crips, Bloods, Pyru, Hispanic gangs, MS-13 Gangs,
16 groups like that, from other places.

17 Q Okay. I'm going to ask you specifically. I
18 believe this came out yesterday in a witness'
19 testimony. You indicated they're Bloods --

20 A Yes, sir.

21 Q -- Crips?

22 A Yes, sir.

23 Q I want to ask you specifically about
24 something called GKB.

25 A Yes, sir.

James Richardson - Direct

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1 Q What is that?

2 A The GKB stands for Gangster Killer Bloods.
3 They are a sub-group of another group out of New York
4 called the UBN, or United Blood Nation.

5 Q Is that all kind of affiliated under the
6 Blood sect?

7 A Yes, sir, it is.

8 Q Okay. How about Nine Tre, or TRE?

9 A Nine Tre is also a Bloods gang, a derivative
10 of a Blood gang out of New York.

11 Q Both found here in the Midlands?

12 A Yes, sir.

13 Q If you would, Investigator Richardson, tell
14 us, how do gangs go about distinguishing themselves or
15 differentiating themselves from other gangs?

16 A Most of the time, the way that they
17 differentiate is through clothing, or bandannas, or
18 hand signs and stuff like that. They're kind of
19 getting away from wearing bandannas, because everybody
20 knows what they're looking for. So now it's different
21 symbols -- the clothing, the hand signs, the talk, the
22 way that they talk, the way that they disrespect each
23 other, and things like that.

24 Q Okay. As far as clothing goes, are there
25 certain like sports jerseys that are associated with

James Richardson - Direct

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1 different gangs --

2 A Yes, sir.

3 Q -- such as the Crips and the Bloods?

4 A Yes, sir.

5 Q If you would, give us some examples of that.

6 A For instance, like for the Crips, it would be
7 like a Cowboys jersey, and it disrespects the -- the
8 Bloods would disrespect the Crips by wearing a five-
9 pointed star, and it would be blue. And the Cowboys is
10 an acronym that means "Crips only win by offing young
11 slobs."

12 Q And you had indicated signs. Can you tell us
13 a little more about what you mean by hand signs?

14 A The hand signs are like sign language that
15 they make up, and it could be like showing their
16 affiliation by using different hand signs. Also, it
17 can be a disrespect by using a hand sign. And they can
18 also communicate different messages like how to set up
19 to do an attack on somebody, or what have you.

20 Q And is there almost like kind of code that
21 comes out of that, also --

22 A Absolutely, yes, sir.

23 Q -- as far as there are terms meaning
24 different terms and stuff of that nature?

25 A They really have their own dictionary in some

James Richardson - Direct

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1 cases, called a Book of Knowledge. And within this
2 Book of Knowledge, it has different number codes,
3 different secret passwords, the handshakes, the signs,
4 the symbols, everything that they would need to know to
5 be a gang member.

6 Q Okay. And how does a person come about
7 becoming a gang member?

8 A First, through the affiliation, and then they
9 have to go through an initiation process. And it
10 varies from gang to gang as to how it's done. But most
11 of the time, they have to get jumped in or beat in to
12 get into the gang. They get beat up for a certain
13 period of time.

14 Q And that's by other gang members?

15 A Yes, sir, by other gang members.

16 Q And within the certain gangs, such as the
17 Bloods or the Crips, is there any kind of a hierarchy
18 within those groups?

19 A Yes, sir, there is. They do have a chain of
20 command. We have several high-ranking officials here
21 in Columbia, from what we understand.

22 Q You had indicated there being a kind of a
23 Book of Knowledge, I believe is the term you used?

24 A Yes, sir.

25 Q Is there also sort of a code of conduct or

James Richardson - Direct

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1 behavior that gang members are supposed to follow once
2 they become a member?

3 A Absolutely, yes, sir.

4 Q And does that differ from different gang to
5 different gang as far as what that code of behavior or
6 code of conduct is?

7 A Yes, sir, in some cases, it does.

8 Q And, specifically, I want to ask you about a
9 couple of things. Are gang members allowed to give
10 other non-gang members information about their
11 particular group?

12 A Like secret handshakes and stuff like that,
13 they wouldn't do, as far as the different passwords --
14 not to non-gang members, they wouldn't give it, no,
15 sir.

16 Q And are they allowed to even admit to other
17 non-gang members such as law enforcement that they
18 actually belong to a gang?

19 A It depends on the gang.

20 Q Okay. What do you mean by that?

21 A Well, like the Crips out of L.A., they always
22 claim, they always say who they're affiliated with, no
23 matter what the circumstances. But being as under with
24 the UBN or GKB, the Gangster Killer Bloods, I've read
25 over several Books of Knowledge where one of their

James Richardson - Direct

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1 rules stipulates that they will never admit their
2 affiliation with Bloods.

3 Q So they might admit to a crime, even to
4 shooting somebody, before they would admit to being a
5 Blood?

6 A I've seen that before, yes, sir.

7 Q If you would, tell us a little bit about how
8 gang members interact with other rival gangs.

9 A In most cases, they don't interact. It's
10 pretty much an uneasiness. The gang members know what
11 part of town they can go to and what part of town they
12 can't go to. They know what they can or can't wear in
13 different areas of town or different places, like
14 shopping areas and things like that.

15 Q Okay. And when they do interact --
16 specifically, this jury has heard testimony about
17 people flashing signs at each other.

18 A Yes, sir.

19 Q Describe for the jury what that means or what
20 that is.

21 A Flashing signs would be like throwing their
22 bandanna up or throwing a hand sign up or something
23 like that, or saying a disrespecting word, something to
24 basically show that they're proud of who they are and
25 that they're against the other group.

James Richardson - Direct

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1 Q Okay. And if you would, talk about how are
2 ways that a gang can disrespect another rival gang.

3 A There are actually several ways they can
4 disrespect. For instance, a Blood gang member would be
5 called a slob by a Crip gang member, and it's showing
6 their disrespect. The Crip gang member would be called
7 a crab. A Folk Nation would be called a doughnut.

8 A hand sign, they could take their hand signs
9 that they do, that they claim. For instance, the hand
10 sign that I'm holding up right now is a Folk Nation
11 hand sign. If I wanted to disrespect the Folk Nation,
12 I would turn the hand sign upside-down, and that would
13 show disrespect, or if I wanted to -- let's say I was a
14 Crip, and I wore a red T-shirt. I would wear a Band-
15 aid over that T-shirt, showing that I'm disrespecting
16 them.

17 Q Okay. What are the signs for a Blood?

18 A The left hand sign, a B.

19 Q Kind of like a B?

20 A Yes, sir.

21 Q And if you disrespect a Blood, what would you
22 do, then?

23 A Throw it upside-down, yes, sir.

24 Q How about a Crip, then?

25 A A Crip would be a C, and the same thing --

James Richardson - Direct

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1 you throw it upside-down.

2 Q I've heard a lot about like gang graffiti --

3 A Yes, sir.

4 Q -- being written on overpasses, and
5 buildings, and stuff of that nature.

6 A Yes, sir.

7 Q Are there ways to disrespect rival gangs
8 through graffiti?

9 A Yes, sir. They can either spray-paint it
10 upside-down, or they would cross certain letters out.
11 Like, for instance, a Blood would cross out a C,
12 showing that he disrespects them, with a line, or they
13 would turn it upside-down, and vice versa. A Crip
14 would disrespect a Blood by turning their B's backwards
15 or something like that.

16 They would also not say the words. For
17 instance, they would write the letters CK, which stands
18 for Crip Killer, on a wall, and then, of course, they
19 would cross out the C.

20 Q Now, you had spoken earlier, sir, about gangs
21 distinguishing themselves from other gangs by the
22 clothing they wear and the signs that they use, the
23 terms that they use. Is there certain music also
24 that's associated with different gangs?

25 A Well, we've seen where some of the rappers,

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1 one gang will listen to one certain kind of rap or one
2 rap artist, but they won't listen to another, I guess
3 because of the affiliation that they feel that they
4 have -- that the rappers have. And in some of the
5 music, the rappers openly tell you who they're
6 representing.

7 Q And you've heard of something called the Crip
8 walk before?

9 A Yes, sir.

10 Q Tell the jury what that is.

11 A The C walk, the Crip walk, is a disrespect to
12 the Bloods. It actually originated in L.A. where they
13 do a dance on the ground, and it's supposed to spell
14 out the word. And then, as they go across it, they're
15 crossing it out. So they're disrespecting the rival
16 gang.

17 Q In your experience, Investigator Richardson,
18 can flashing signs at a rival gang member, or wearing
19 colors, or doing something like the Crip walk, can that
20 also lead to violence between rival gang members?

21 MR. LITTLEJOHN: Your Honor, I'm going
22 to object. May we approach the bench?

23 THE COURT: Yes, sir.

24 Q Investigator, let me repeat the question for
25 you. In your experience and your training, sir, can

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1 gang members flashing signs, wearing colors, doing
2 things such as the Crip walk, can that lead to violence
3 breaking out between rival gang members?

4 A Absolutely, yes, sir.

5 Q As part of your duties and your training, I
6 believe you indicated that a part of what you try to do
7 is kind of keep tabs on gang members here in Columbia?

8 A Yes, sir.

9 Q Now, through your training, have you become
10 familiar with the defendant, Jeroid Price?

11 A I became familiar with his name on the
12 street, yes, sir.

13 Q Are you aware of whether he's affiliated with
14 a gang?

15 A Yes, sir.

16 MR. LITTLEJOHN: Your Honor, I'm going
17 to object to this. This is beyond the purview of what
18 he's been qualified to do, and we're going into
19 hearsay.

20 THE COURT: Yes, sir. Why don't you all
21 approach?

22 THE COURT: Okay, I'm going to overrule
23 the objection. And, Mr. Sorenson, you can continue.

24 MR. SORENSON: Thank you.

25 Q Once again, I believe you indicated that you

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1 are familiar with the defendant, Jeroid Price?

2 A Yes, sir. His name has been mentioned
3 several times during interviews.

4 Q Are you aware of whether he's affiliated with
5 a gang?

6 A I am, sir.

7 Q What gang is that?

8 A The GKB, or Gangster Killer Bloods.

9 Q Are you aware of what his position is within
10 that gang?

11 A The word that we received is that he is known
12 as a supreme, which is a higher elevation. He's like
13 an officer within the gang.

14 Q I want to return you specifically back to
15 talking now specifically about Bloods or GKB's. What
16 colors are associated with that organization?

17 A Red, sir.

18 Q And are you familiar with the hand signs that
19 are associated with that group?

20 A I am, sir.

21 Q And if I could, I want to show you a couple
22 of photographs that are in evidence, State's Exhibit
23 #52. Have you had an opportunity to see that
24 photograph, sir?

25 A Yes, sir.

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1 Q And State's Exhibit #61?

2 A Yes, sir.

3 Q Okay. And if you would -- can I get him to
4 step down just briefly, Your Honor?

5 THE COURT: Yes, sir.

6 Q In front of the jury, just kind of show, if
7 you would, Investigator Richardson, what the
8 significance of these photographs are as far as from a
9 gang standpoint.

10 A In this particular photograph, I see two
11 individuals who are flashing gang hand signs, the first
12 of which being this gentleman right here to the bottom
13 right. He's throwing up a Crip killer sign, which is
14 CK, and with his left hand, he's throwing up a B, which
15 stands for Blood. The other gentleman next to him is
16 throwing up a hand sign over his arm, which is a Pyru
17 hand sign they use to show their affiliation.

18 Q What is Pyru?

19 A Pyru is a sub-group of the UBN, or a sub-
20 group of the Bloods up in California.

21 Q And how about as far as especially the guy on
22 I guess it would be the jury's left, the clothing that
23 he's wearing?

24 A He's wearing all red, and he's wearing what
25 looks like a 76ers jersey, which is showing affiliation

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1 with the five-pointed star.

2 Q And the individual with the Pyru sign, are
3 you aware of who that individual is?

4 A I'm not aware of who that is, sir.

5 Q Okay. So the defendant, Jeroid Price, you
6 don't know him personally --

7 A I do not know him personally.

8 Q -- as far as knowing his face?

9 A No, sir.

10 Q All right. Now I'm showing you State's
11 Exhibit #52, that photograph. Is there anything
12 significant in that photograph?

13 A The red bandanna that one gentleman is
14 holding up, and it looks like he's getting ready to
15 throw up a Blood sign. The gentleman sitting right
16 behind him looks like he's smoking a cigar or something
17 like that. He's throwing up a Blood hand sign showing
18 his affiliation. And I notice the red that they're
19 wearing and the bandannas.

20 Q Okay. Investigator Richardson, I'd like to
21 show you State's Exhibits #66 and #67.

22 A Yes, sir.

23 Q It's marked for ID at this point in time.
24 Have you had an opportunity to see those items before?

25 A I did, sir.

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1 Q And specifically State's Exhibit #66, what is
2 that item?

3 A This item here?

4 Q Whichever one is 66, and I believe that's --
5 has it got a sticker on it?

6 A Okay, yes. Yes, sir.

7 Q Okay. Have you had an opportunity to go
8 through that notebook?

9 A I did, sir.

10 Q Have you been able to find anything within
11 that notebook or the pages of that notebook that is
12 relevant with regards to gang activity?

13 A It seems like the book is like a
14 conglomeration of rap music, where he's writing music.
15 In one of the --

16 MR. SORENSON: Can I have him step down,
17 Your Honor, once again for just a moment?

18 THE COURT: Yes, sir.

19 Q If you would, show the jury what you're
20 talking about as you're going through there.

21 A It looks like there's several pages where he
22 started writing rap music, is what it sounds like. One
23 thing that stood out is back here where he started
24 writing one of them. It says, "Yea, about a million to
25 one chance, dog; hush" --

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1 MR. LITTLEJOHN: Your Honor, excuse me,
2 I would have to object. This is only for
3 identification purposes.

4 THE COURT: Yes.

5 MR. LITTLEJOHN: If he wants to examine
6 it and talk about it in general terms, I have no
7 problem.

8 THE COURT: Yes, I certainly don't mind
9 him just showing what it is he's talking about. But if
10 he's going to go through the whole thing, it is ID
11 right now. But there was another matter. Let me see
12 counsel for just a moment.

13 THE COURT: Thank you, both.

14 Q You may continue, Investigator.

15 A One of the last, where he started out in this
16 paragraph, it says, "GKB, I got this," referring to the
17 GKB Gangster Killing Bloods, in this notebook.

18 Q Okay. What is State's Exhibit #67?

19 A Excuse me?

20 Q What is State's Exhibit #67?

21 A This is a book of different codes they would
22 use like a dictionary. It gives a definition as to
23 what different things mean, different words, what they
24 would symbolize in the street and what they actually
25 mean in layman's terms. And I noticed quite a bit of

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1 referring to the Bloods as far as Blood stoning and
2 stuff like that. Also in the book, they're crossing
3 out the C's, which would be a disrespect to the Crips.

4 Q Is that done pretty much throughout that
5 entire --

6 A Yes, sir.

7 Q -- 115-page folder?

8 A Throughout the whole book.

9 Q Okay. And does that book or those pages kind
10 of go through and lay out a lot of that terminology,
11 and those codes, and those signs that you talked about
12 earlier?

13 A Yes, sir.

14 Q I believe you had indicated, sir, that part
15 of that would be associated, is that correct?

16 A Yes, sir.

17 Q I'm going to show you at this time what is
18 marked as State's Exhibit #62. Have you had an
19 opportunity to look through this bag of clothing, and
20 hats, and stuff of that nature?

21 A I have, sir.

22 Q Are there any items in this bag that in
23 looking at them -- well, first of all, what color is
24 all this clothing that's in the bag?

25 A All of it's red or some affiliation of red.

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1 Q Are there any other items in here that, as
2 far as your experience and your training as a gang
3 investigator, have any significance with regards to a
4 Blood gang or affiliation of a Blood?

5 A Yes, sir, the red and white. There's a --

6 Q If you'll tell me, I'll just hold it and get
7 stuff out.

8 A All right. The New York Yankees hat, of
9 course, their colors are not red and white, but yet he
10 has a red-and-white New York Yankees hat. I believe
11 there's an Atlanta Braves hat in there, also. It's all
12 red.

13 Q Does that have any --

14 A AB, All Bloods.

15 Q That's the Atlanta Braves hat?

16 A Yes, sir -- and the bandanna, of course. The
17 bandanna was highly starched, and it was perfectly
18 folded five times, which the number five shows
19 affiliation with the Bloods.

20 Q The rest of this is pretty much just red
21 clothing --

22 A Yes.

23 Q -- shirts and stuff of that nature?

24 A The rest of it is just pretty much red
25 clothes, sir.

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1 Q And, lastly, sir, I want to show you State's
2 Exhibits #63, #64, and #65. Were you given an
3 opportunity to review these items?

4 A I did, sir.

5 Q Okay. First of all, what are they?

6 A They appear to be bullet-proof vests, sir.

7 Q Okay. What significance would they hold with
8 regards to gang members? Is it common to find a
9 bullet-proof vest on a gang member or when searching a
10 gang member's apartment, or house, or car?

11 A Most of the guys we deal with as far as this
12 would not have this type of stuff. The lower-echelon
13 gang members would not be -- probably wouldn't have
14 this in their presence. But the higher-ranking gang
15 members, we know for a fact that out of New York they
16 actively seek body armor as a way to protect
17 themselves. They've even had clothing made out of it,
18 suit jackets or a leather jacket, and it'll have lining
19 made out of Kevlar.

20 Q You're looking at State's Exhibit #67. Do
21 you recall something very similar to kind of like a
22 pledge of allegiance in here?

23 A Yes, sir.

24 Q Okay. And if you would, what is that?

25 A It's a pledge to the UBN, or to the United

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1 Blood Nation, where he's pledging his allegiance to
2 that group.

3 Q Okay. What is that pledge that's in there?
4 If you would, just read that pledge for the jury.

5 A "I pledge allegiance to the almighty red flag
6 of the UBN, United Blood Nation, and for that bloodbath
7 for which we stand, one set, under blood, for blood,
8 and for all my blood bank or blood." And it goes on to
9 say, the next paragraph, "What that red be like, five
10 popping, six dropping, CKT to my casket, drops five
11 alive, six must die, rest in peace to OG tie."

12 Q What does that CKT indicate?

13 A Crip Killing Thug.

14 Q And the reference to the five and the six?

15 A The five shows their affiliations to the
16 Bloods, and the six is the affiliation to the Crips.
17 In other words, with those two numbers, they show who
18 they represent by wearing those numbers.

19 Q And, lastly, would you expect to find, in
20 searching a gang member's home or car, weapons? Is
21 that something that's common?

22 A Yes, sir, it's become.

23 Q Ammunition for those weapons, stuff of that
24 nature?

25 A Yes, sir.

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1 MR. SORENSON: Beg the Court's

2 indulgence.

3 THE COURT: Yes, sir.

4 Q That would be all I have, Your Honor. Please
5 answer any questions Mr. Littlejohn has.

6 THE COURT: Thank you, sir.

7 THE COURT: Mr. Littlejohn.

8 CROSS-EXAMINATION

9 BY MR. LITTLEJOHN:

10 Q Investigator, the writings that you read to
11 the jury a little while ago --

12 A Yes, sir.

13 Q -- and let me be specific, they've been
14 marked for identification as State's Exhibits #67 and
15 #66. You don't know who wrote these, do you?

16 A I do not know, sir.

17 Q You don't have any idea?

18 A No, I do not, sir.

19 Q You didn't do any sort of handwriting
20 analysis or anything?

21 A No, sir.

22 Q You don't know whose writing it is?

23 A No, sir, I do not.

24 Q Okay. Bullet-proof vests, those are not
25 illegal?

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1 A No, sir, they are not.

2 Q You can buy them at a gun show, or at a pawn
3 shop, or virtually anywhere?

4 A Yes and no. I mean, they're not illegal to
5 have, and they're not illegal to sell.

6 Q Right.

7 A Yes, sir.

8 Q You can go buy one?

9 A Yes, sir.

10 Q I can go buy one?

11 A Yes, sir.

12 Q Anybody on the jury can go buy one?

13 A Sure, yes, sir.

14 Q Okay. Nothing illegal?

15 A No, sir.

16 Q Okay. The items here in Exhibit 62 that you
17 examined, red clothing --

18 A Yes, sir.

19 Q -- you don't know where this came from?

20 A No, sir, I do not.

21 Q You don't know whether this red clothing was
22 intermixed with green clothing, or blue clothing, or
23 yellow clothing, or any other clothing?

24 A No, sir, I do not.

25 Q You don't know if these items fit anybody in

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1 particular?

2 A No, sir, I do not.

3 Q You don't know Jeroid Price, do you?

4 A No, sir, I do not.

5 Q You've never met him?

6 A No, sir.

7 Q And some of the things you told us about
8 Jeroid Price today, that's based on stuff you've heard
9 from informants --

10 A Yes, sir.

11 Q -- from people who come in and trade
12 information to the Sheriff's Department?

13 A No, sir. These people were not paid
14 informants. They were just people on the street who,
15 upon making contact with them, started giving up names.

16 Q And it's all hearsay, isn't it?

17 A Pretty much, yes, sir.

18 Q Because you don't know that of your own
19 personal knowledge?

20 A No, sir.

21 Q You're just basing it on what somebody told
22 you?

23 A Yes, sir.

24 Q Investigator Richardson, Mr. Sorenson showed
25 you some photographs here, and particularly he showed

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1 you State's Exhibit 61.

2 A Yes, sir.

3 Q Do you remember seeing that photograph?

4 A Yes, sir, I do.

5 Q And that appears to be a group of six
6 individuals?

7 A Yes, sir.

8 Q Okay. How many of them had on red clothing?

9 A Only one, sir.

10 Q Just the one?

11 A Yes, sir.

12 Q There's nothing illegal about wearing red
13 clothing, is there?

14 A No, sir, there's not.

15 Q And out of six people, chances are somebody's
16 going to have on something red, isn't it?

17 A Probably so, yes, sir.

18 Q Let me ask you about this sign right here --

19 A Yes, sir.

20 Q -- on the individual kneeling down. It looks
21 like the defendant, Jeroid Price?

22 A Yes, sir.

23 Q Okay. You said that was a symbol for what?

24 A The Pyrus use that symbol.

25 Q The Pyrus?

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1 A Yes, sir.

2 Q And that's a gang?

3 A Yes, sir. That's a Blood affiliation, yes,
4 sir.

5 Q But it's a separate gang from the Bloods?

6 A No, sir. It's called Pyru Bloods.

7 Q And they're based in L.A., I think you said?

8 A Yes, sir, on Pyru Street in L.A.

9 Q Okay. So those guys are from L.A. They're
10 not from South Carolina?

11 A That's correct, sir.

12 Q Okay. Are you familiar with the NBA? Do you
13 ever watch basketball on TV?

14 A Yes, sir.

15 Q Do you know who Doug Christie is?

16 A I have no idea, sir.

17 Q He plays for the Sacramento Kings.

18 A Okay. I don't know, sir.

19 Q Have you ever seen him use that sign --

20 A Have not, sir.

21 Q -- when he shoots a foul shot?

22 A Have not, sir.

23 Q You haven't?

24 A I don't watch basketball.

25 Q Okay. But you're not familiar with anybody

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1 else using that sign?

2 A As far as I know, it's used in sign language.
3 Other than that, no.

4 Q Some people use that sign to say, "I love
5 you"?

6 A That's correct, sir.

7 Q That's right?

8 A Yes, sir.

9 Q Other people use it for that?

10 A Yes, sir.

11 Q Matter of fact, on *Forrest Gump*, they use
12 that sign. Did you watch that movie?

13 A I'm not familiar with that sign in that
14 movie.

15 Q Okay. State's Exhibit 52 --

16 A Yes, sir.

17 Q -- you saw this photograph?

18 A Yes, sir.

19 Q You don't know any of these people?

20 A Do not.

21 Q Okay. And it shows a number of people at
22 what appears to be a barbecue or something?

23 A That's what it appears to be, sir.

24 Q Okay. And you've got one person with a red
25 hat, and one person with a red bandanna --

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1 A Yes, sir.

2 Q -- and one person sitting on a red cooler?

3 A Yes, sir.

4 Q That doesn't mean he's a Blood or anything,
5 does it --

6 A That does not mean that.

7 Q -- just because he's sitting on a red cooler?

8 A No, sir.

9 Q Okay. Investigator Richardson, based on your
10 experience as an investigator in this area -- Your
11 Honor, reserving my objection --

12 THE COURT: Yes, sir.

13 Q -- isn't it common for gang members to have
14 either burns or tattoos --

15 A In most cases, yes, sir.

16 Q -- indicating a gang affiliation?

17 A Yes, sir.

18 Q Do you know if Jeroid Price has any burns or
19 tattoos such as that?

20 A I have not had a chance to examine him, sir.

21 Q Would it surprise you if I told you he
22 didn't?

23 A No, sir, it wouldn't, actually.

24 MR. LITTLEJOHN: If you'd indulge me
25 just a second, Your Honor.

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1 THE COURT: Certainly.

2 Q Investigator Richardson, just a couple of
3 final things. Pyrus and GKB, those are two separate
4 things?

5 A Yes, sir, they are.

6 Q Okay. What is an OG?

7 A Original gangster.

8 Q Original gangsters affiliated with what?

9 A Both sides, sir.

10 Q Would it be affiliated with the Crips?

11 A It can be affiliated with both.

12 Q An original gangster would be somebody in the
13 hierarchy of the Crips if it was used in that context?

14 A It basically means just like an elder in the
15 gang.

16 Q Okay. So an OG could be an elder in the
17 Crips gang?

18 A Yes, sir.

19 Q That's all I have.

20 THE COURT: Thank you, sir.

21 THE COURT: Mr. Sorenson?

22 MR. SORENSON: Nothing further, Your
23 Honor.

24 THE COURT: Okay. Thank you, sir.

25 THE COURT: Investigator Richardson, you

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1 may step down. Thank you, sir.

2 INVESTIGATOR RICHARDSON: Thank you,
3 sir.

4 MR. SORENSON: Thank you, sir.

5 THE COURT: Okay. Ladies and gentlemen,
6 it's probably a good time to take a break for lunch. I
7 ask that you all return to the jury room and that you
8 not discuss the case, or testimony, or evidence you've
9 heard or seen thus far. We'll break till 2:30. Thank
10 you.

11 (Jury out from 12:55 to 2:30
12 for lunch.)

13 THE COURT: Okay, everybody, you need to
14 be seated until the jury is out.

15 THE COURT: Thank you, sir.

16 THE COURT: Anything further we need to
17 take up? Mr. Littlejohn --

18 MR. LITTLEJOHN: Yes, Your Honor.

19 THE COURT: -- let me just put on the
20 record, during the course of Investigator Richardson's
21 testimony, you had an objection that I treated as a
22 continuing objection to, I'm assuming, the whole line
23 of his direct. And I just wanted to make sure you got
24 on the record your exception to that, as well as the
25 hearsay objection.

1 MR. LITTLEJOHN: Yes, Your Honor.
2 Particularly, I objected -- I want to add for the
3 record that I objected to his testimony as to any
4 tendency toward violence that might be anticipated with
5 the showing signs, etc. He was testifying as to what
6 reaction those sort of things might provoke, and I
7 object to that supposition.

8 Secondly, Your Honor, I object to his
9 description as to Jeroid Price as being high up in the
10 Bloods gang, based on the fact that that was obviously
11 hearsay and things he's heard on the street. And our
12 position would be that would be inadmissible.

13 THE COURT: Okay. And we did have a
14 sidebar about that. I just wanted to make sure --

15 MR. LITTLEJOHN: Yes, sir.

16 THE COURT: -- that the record reflected
17 that I treated your objection as timely and continuing
18 as to that. I just wanted to make sure you got
19 everything on the record you needed to.

20 MR. LITTLEJOHN: Thank you, Your Honor.

21 THE COURT: Mr. Sorenson, as to that,
22 does the State need to add anything to the record?

23 MR. SORENSON: No, sir.

24 THE COURT: Okay. Thank you, gentlemen.
25 All right, we'll be in recess until 2:30. I don't know

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1 if we needed to address any further the conversation we
2 had back in chambers.

3 MR. PASCOE: Not unless you think it's
4 necessary.

5 THE COURT: I didn't, but I'll be glad
6 if either side needs to address that further. If
7 something else arises with that, we'll address it then.
8 Thank you, counsel.

9 MR. PASCOE: Thank you, Your Honor.

10 THE COURT: Thank you, both. We'll see
11 you all at 2:30, then.

12 MR. PASCOE: Thank you, Judge.

13 (Break in proceedings.)

14 THE COURT: Are both sides ready to
15 receive the jury? Do we need to give Ms. Rushing and
16 Mr. Jeffries a moment?

17 MR. LITTLEJOHN: She went to feed her
18 meter.

19 THE COURT: If you want to wait on her,
20 I'll do that.

21 THE COURT: Okay. Are counsel for both
22 sides ready?

23 MR. PASCOE: Yes, sir.

24 THE COURT: Thank you.

25 THE COURT: All right. We're ready for

1 the jury.

2 (The jury returned to the
3 courtroom at 1:34 p.m., after which the following
4 proceedings were had:)

5 BAILIFF: Your Honor, the jury is
6 present.

7 THE COURT: Okay. Thank you, sir.

8 THE COURT: Thank you, ladies and
9 gentlemen. I hope you all had a good lunch. We're
10 ready to continue.

11 THE COURT: The State may call the next
12 witness.

13 MR. PASCOE: Jason Woods, Your Honor.

14 BAILIFF: Step up here, please. Stand
15 right there, left hand on the Bible, raise your right,
16 and face him.

17 (The witness was sworn.)

18 CLERK OF COURT: Please have a seat up
19 here, sir, and state your full name for the record.

20 MR. WOOD: My name is Jason Dexter Wood.

21 JASON DEXTER WOOD, having
22 first been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. PASCOE:

25 Q Good afternoon, Mr. Woods. Do you live here

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1 in Columbia, sir?

2 A Uh-huh.

3 Q Where did you go to school?

4 A Columbia High School.

5 Q And how old are you?

6 A Twenty-two.

7 Q And are you friends with both the defendant,

8 Jeroid Price, and the co-defendant, Ryan Brooks?

9 A Yes, I am.

10 Q Okay. How long have you known Mr. Brooks?

11 A Since high school.

12 Q Okay. Did he have a nickname?

13 A B.D.

14 Q B.D. And how long have you known Jeroid

15 Price?

16 A High school.

17 Q And does he have a nickname?

18 A I don't know.

19 Q Have you ever heard of a J.P.?

20 A A Justin Peters.

21 Q Not Jeroid Price?

22 A Huh-uh.

23 Q What about a J-Blades?

24 A No.

25 Q And all three of you -- Mr. Brooks and the

Jason Wood - Direct

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- 1 defendant -- are close friends, is that correct?
- 2 A I guess you could say that.
- 3 Q Okay. Would you ever hang out with them?
- 4 A Yes.
- 5 Q And what sorts of things do y'all do when you
- 6 hang out together?
- 7 A Play basketball, parties, things like that.
- 8 Q And you still kept in contact with both these
- 9 defendants, even after they have been arrested, isn't
- 10 that true?
- 11 A Well, no, not really. I didn't contact
- 12 nobody.
- 13 Q Did any of them contact you?
- 14 A Yes, maybe one.
- 15 Q Who?
- 16 A Jeroid.
- 17 Q Contacted you?
- 18 A Yes.
- 19 Q Okay. Let me ask you this. There's nothing
- 20 wrong with this, but even during the course of these
- 21 proceedings, you've talked to the defendant's family?
- 22 A No.
- 23 Q You didn't talk to them today outside during
- 24 the lunch break?
- 25 A Not really. I mean, I might have -- I don't

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1 know what I said to them. Maybe I did, and maybe I
2 didn't. I don't know.

3 Q A simple question -- were you hanging out and
4 talking with the defendant's family during lunch today?

5 A I mean, I know a lot of people there, some of
6 his family. I don't know who is family and who isn't.

7 Q The fact of the matter is the only reason
8 you're here today is because I subpoenaed you, isn't
9 that true?

10 A Well, no. I would have came anyways if you
11 wouldn't have subpoenaed me.

12 Q Well, let me ask you, why would you come?

13 A Because I'm friends with them.

14 Q With Mr. Price?

15 A Uh-huh.

16 Q Okay. Let me take you back to Friday,
17 December the 6th, of last year, okay, the night of the
18 party. What did you do that day?

19 A I went to work.

20 Q What time did you get home?

21 A Around 11:30.

22 Q P.M.?

23 A Yes.

24 Q Where did you end up going?

25 A To the party at the Voodoo's, where the

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Jason Wood - Direct

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1 shooting was.

2 Q Okay. Who did you go with?

3 A Anthony Patrick and Ryan Brooks.

4 Q Who picked you up?

5 A Anthony Patrick.

6 Q In whose vehicle?

7 A His.

8 Q Okay. What kind of vehicle did he have?

9 A A Rodeo.

10 Q Do you remember what color it was?

11 A Teal.

12 Q Could it also be called green -- teal or
13 green?

14 A Yes, I guess so.

15 Q Approximately what time did you get to Club
16 Voodoo's with Anthony Patrick and Ryan Brooks that
17 night?

18 A Around 12:30.

19 Q So it was definitely after midnight?

20 A Well, I wouldn't say definitely, but maybe
21 somewhere in that ballpark.

22 Q Okay. And do you recall what Mr. Brooks was
23 wearing that night?

24 A No.

25 Q What was his hair like that night?

Jason Wood - Direct

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1 A I don't remember.

2 Q Did you have an opportunity to see the
3 defendant, Jeroid Price, at the party that night?

4 A Yes, I seen him.

5 Q Okay. And who was he hanging out with?

6 A I don't know.

7 Q Who did you end up hanging out with at the
8 party?

9 A Anthony Patrick.

10 Q Who did Ryan Brooks end up hanging out with
11 at the party?

12 A I don't know. I mean -- I don't know.

13 Q Did you ever see Ryan Brooks and the
14 defendant hanging out together at the party?

15 A Maybe so. I don't really remember that well.

16 Q Do you remember any confrontations that Mr.
17 Brooks or Mr. Price had with the victim, named Carl
18 Smalls, that night?

19 A Yes.

20 Q What do you remember about that?

21 A A lot of arguing, you know, back and forth,
22 but nothing too major, just, you know, arguing.

23 Q Okay. And was any of that gang-related?

24 A I don't know.

25 Q Are you a Blood?

Jason Wood - Direct

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- 1 A No.
- 2 Q Do you know if Jeroid Price is a Blood?
- 3 A No.
- 4 Q Mr. Brooks -- is that a "no"?
- 5 A No.
- 6 Q None of you are in gangs?
- 7 A I'm not in a gang.
- 8 Q What did you do when the party ended?
- 9 A Went and got in the truck.
- 10 Q Okay. Who is "we"?
- 11 A I said I went and got in the truck.
- 12 Q Mr. Patrick's truck?
- 13 A Yes.
- 14 Q Did anyone else get in with you?
- 15 A Patrick.
- 16 Q Tell the jury what happened as you and Mr.
- 17 Patrick got in the truck.
- 18 A We was just sitting in the truck, playing
- 19 with girls in the parking lot.
- 20 Q Did anything unusual happen?
- 21 A You want me to tell --
- 22 Q Did you hear anything unusual? Did anything
- 23 unusual happen?
- 24 A Gunshots.
- 25 Q Okay. And where were the gunshots coming

Jason Wood - Direct

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1 from, could you tell?

2 A No, I just heard the gunshots.

3 Q Tell the jury what you saw and heard as the
4 gunshots went out.

5 A I heard a gunshot, I guess -- I heard a
6 gunshot. Brooks came out of the club, got in the truck
7 with us, and was like, "Go," and we left.

8 Q Did you see anything in Mr. Brooks' hand as
9 he got in the truck?

10 A Yes, he had a gun.

11 Q Do you remember what kind of gun it was?

12 A A chrome gun.

13 Q You don't remember the type gun? Was it big
14 or small?

15 A It was a gun.

16 Q How many shots in all do you think you heard
17 that night?

18 A I don't know.

19 Q How many shots had you heard before you saw
20 Brooks running into the truck?

21 A I guess one.

22 Q Did you hear any more shots as you saw Brooks
23 running to the truck?

24 A Yes.

25 Q Do you remember how many?

Jason Wood - Direct

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1 A No.

2 Q You've already testified after Brooks got in
3 the truck, you heard more shots as you saw him running
4 there. Who was driving?

5 A Patrick.

6 Q Okay. And where did y'all end up going?

7 A We went and dropped B.D. off, then I went
8 home.

9 Q Now, you just heard shots, right? You heard
10 that one shot and see the defendant running to the
11 truck with a gun, and then you hear more shots. Did
12 you ask Mr. Brooks what was going on?

13 A No.

14 Q You didn't have any interest whatsoever in
15 finding out what happened?

16 A I didn't want to know.

17 Q And where did you go first?

18 A We went and dropped B.D. off, and then
19 Patrick dropped me off.

20 Q Okay. Dropping B.D. is Ryan Brooks. You
21 dropped him off first? Where were you sitting in the
22 Rodeo?

23 A In the passenger seat.

24 Q Do you recall anybody calling Mr. Patrick's
25 cell phone that night as y'all were leaving the scene?

Jason Wood - Direct

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1 A I don't remember.

2 Q And it's your testimony you never asked
3 Brooks what happened that night as you were leaving the
4 scene?

5 A Not that I remember.

6 Q Now, let me ask you this. Don't tell us how
7 or what was said, but when did you first learn that
8 Price and Brooks may have been involved in a shooting?

9 A I don't know the exact day.

10 Q Do you remember giving a statement to the
11 police on December 17th?

12 A I guess it was the 17th.

13 Q Do you remember telling them that you learned
14 the next day that Price and Brooks may have been
15 involved?

16 A I don't remember that. But, you know, if I
17 said that, I said it. I don't remember that. But if I
18 did, you know, maybe I did.

19 Q You told the police on December 17th that you
20 learned by Sunday, December the 8th, that the
21 defendants may have been involved in a shooting, right?
22 That's what you told the police?

23 A I don't know. That's what you said.

24 Q I want to show it to you, then. You'd admit
25 that you were anything but forthright with the police

Jason Wood - Direct

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1 -- you weren't honest with the police when they came
2 and interviewed you, correct?

3 A No, I wouldn't say that. I was honest.

4 Q You did everything you could to protect your
5 friends, isn't that true?

6 A No, not really.

7 Q Page two of your statement, you can read it
8 yourself to refresh your memory. This is a statement
9 you gave on December the 17th. When did you tell the
10 police that you had learned about the shooting?

11 A This says, "I spoke to B.D. the next day."

12 Q You don't have to read the statement, unless
13 you want to.

14 A Okay.

15 Q When did you say you learned?

16 A The next day.

17 Q The next day. Now, since it was early in the
18 morning Saturday at 2:00, did you learn about it on
19 Saturday or Sunday, the next day?

20 A I don't know.

21 Q Okay. I'll give you the benefit of the doubt
22 and say Sunday, the 8th, how's that? Now, when you
23 gave your statement to the police on December the 17th,
24 did you tell them that Mr. Brooks had driven back in
25 the vehicle with you after the shooting?

Jason Wood - Direct

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1 A No, I didn't.

2 Q Why not?

3 A Because I didn't want to have any links to
4 anything. You know, I didn't know. I figured maybe I
5 could get in trouble if, you know, the police knew that
6 I was in the same car with him.

7 Q And you told them on the 17th -- the police
8 -- that Brooks did not leave with you, isn't that true?
9 You didn't tell the police that Brooks left with you
10 that night of the shooting, correct?

11 A Correct.

12 Q Even though you knew the day after the
13 shooting that he and Price may have been involved in a
14 shooting, you didn't tell the police that?

15 A I guess so. He told me -- he just told me
16 what happened the next day.

17 Q Now, also in your statement on December the
18 17th, did you tell them that Mr. Brooks had a chrome
19 .380-caliber pistol?

20 A No.

21 Q Sir, on page two of your statement -- do you
22 want to look at it to refresh your memory -- do you
23 remember being asked if you saw any gang activity that
24 night?

25 A I don't see it.

Jason Wood - Direct

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1 Q On page two of your first statement on
2 December the 17th, "Did you see the victim arguing with
3 J.P. and B.D.?" And then they asked, "Did you see any
4 gang activity?" What was your response to the police?

5 A I seen some hand movements, but I didn't know
6 what they were.

7 Q You also mentioned that you saw blue rags,
8 isn't that the truth, sir?

9 A Yes, I said that.

10 Q How come you didn't mention anything in here
11 about Bloods or anybody wearing red that night?

12 A I mean, what do you mean? That's what I saw.
13 I told you what I saw.

14 Q Is it true that you didn't want to mention
15 anything about Bloods because you are a Blood?

16 A That's not true.

17 Q Now, you failed to tell the police something
18 else in your first statement on December the 17th,
19 also, didn't you?

20 A What?

21 Q Tell this jury who you bought a cell phone
22 for and put in your name on Tuesday, December the 10th,
23 three days after this murder.

24 A I bought a cell phone for Jeroid Price.

25 Q And you didn't tell the police that?

333

Jason Wood - Direct

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1 A No.

2 Q Whose name did you put the cell phone in?

3 A Mine.

4 Q And Jeroid Price had been wanted since at
5 least the 13th of December, and you knew that when you
6 gave your statement on the 17th, correct?

7 A No, I did not know that.

8 Q And you bought him a cell phone on the 10th,
9 that's your testimony. But you didn't think that that
10 was important to tell the police on the 17th?

11 A No.

12 Q Tell this jury why you felt the need to buy
13 Mr. Price a cell phone on Tuesday, the 10th, after this
14 murder and put it in your name. Tell the jury.

15 A I didn't feel the need to do nothing. I
16 didn't volunteer like, "Okay, let me go buy you a cell
17 phone."

18 Q Tell the jury why you put the cell phone in
19 your name for Mr. Price.

20 A Because he asked me to.

21 Q Now, the police came back and reinterviewed
22 you on January the 15th, didn't they?

23 A I guess so.

24 Q And that was the second statement that you
25 gave, correct?

Jason Wood - Direct

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1 A Yes.

2 Q And you just told the jury that Mr. Price had
3 asked you to put that cell phone in your name, correct?
4 But didn't you try to make up another reason as to why
5 you got that cell phone when you talked to the police?

6 A No.

7 Q Do you remember telling them it was so that
8 you could build some good credit?

9 A I'm saying that's the same deal. He asked me
10 to. My motivation is to get the good credit.

11 Q So let me make sure we've got this straight.
12 The murder happens on Saturday, December the 7th. On
13 Tuesday, the 10th, you get a cell phone because Mr.
14 Price asked you to put it in your name, and you give it
15 to Mr. Price three days after the shooting, correct?
16 And you're also telling this jury that the other reason
17 you went ahead and did it was because you wanted to
18 build your credit?

19 A Yes.

20 Q Well, you had to be a little concerned when
21 Mr. Price went on the run after the 13th that he wasn't
22 going to pay your bill, isn't that true?

23 A I guess -- well, I cut the line after I found
24 out that he was on the run, because I didn't want it to
25 seem like I was trying to do nothing to aid him.

Jason Wood - Direct

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1 Q And you didn't come forward and tell the
2 police that you had gotten Mr. Price a phone. They
3 found that out and asked you about it, isn't that true?

4 A Correct.

5 Q Okay. And, finally, from the time you talked
6 to the police on December the 17th until January the
7 15th, did you have any other conversations with the
8 defendant, Jeroid Price, while he was on the run from
9 the police?

10 A Maybe one.

11 Q Okay. And did you tell the police about that
12 in your second statement on January the 15th, after
13 they informed you that they knew you had gotten him a
14 phone?

15 A I don't remember that.

16 Q Do you remember them asking you, "Did Jeroid
17 talk to you about this case?" And what was your
18 response?

19 A Yes, he wanted to know what was going on.

20 Q And when the police asked you, "Did Jeroid
21 tell you anything specific about what happened at the
22 club?" what was your response?

23 A I don't remember making that statement.

24 Q You don't remember telling the police that he
25 said that the guy was trying to take his gun from him

Jason Wood - Direct

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1 and B.D., B.D. shot him in the side -- "I remember him
2 saying that he ended up shooting the guy, too. I don't
3 remember exactly what he said about how it exactly went
4 down"?

5 A No.

6 Q You don't remember Jeroid Price telling you
7 that he ended up shooting Carl Smalls?

8 A No.

9 Q Please take a look at that.

10 A I see it.

11 Q Whose statement is that?

12 A I didn't write this statement.

13 Q It's typed, isn't it?

14 A Yes.

15 Q How many pages is it -- three pages, correct?

16 A Uh-huh.

17 Q Who signed page one?

18 A I did.

19 Q Swearing that this was the truth, the whole
20 truth, and nothing but the truth. Who signed page two,
21 where you said that Jeroid Price told you he shot the
22 victim?

23 A But I never read the whole statement. Me and
24 him, when the investigator interrogated me, I talked,
25 he typed. When we was finished, he gave it to me to

Jason Wood - Direct

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1 sign. He said, "Okay, I'm going to make you a copy."
2 He never came back with no copy. I never seen this
3 until they sent me the subpoena to my house. This was
4 a week ago.

5 Q Mr. Woods, who signed page two?

6 A Yes, I signed it.

7 Q And who signed page three?

8 A Me, I signed it. I signed all of it.

9 Q This is your statement. At this time, Your
10 Honor, I'm going to ask that his statement be admitted
11 into evidence.

12 THE COURT: Any objection?

13 MR. PASCOE: I'll get the original and
14 put that in.

15 MR. LITTLEJOHN: If you'd indulge me
16 just a moment, Your Honor.

17 THE COURT: Yes, sir.

18 MR. LITTLEJOHN: Your Honor, I don't
19 object to that particular statement if he wants to put
20 both of them in.

21 THE COURT: Okay.

22 MR. PASCOE: That's fine.

23 MR. LITTLEJOHN: I don't have any
24 problem with both of them.

25 THE COURT: We'll mark them both.

Jason Wood - Direct

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1 MR. PASCOE: I need those back.

2 THE COURT: Thank you, sir.

3 MR. PASCOE: We'll put both of them in?

4 THE COURT: No objection to both of
5 them.

6 MR. PASCOE: We'll mark the December
7 statement, Your Honor, State's Exhibit 68, and the
8 January statement, I assume, will be 69.

9 (State's Exhibits 68 and 69
10 were received in evidence.)

11 Q And just to make sure the record's clear on
12 State's Exhibit 68, that, too, is your first statement?

13 A Yes, I guess so.

14 Q Okay. That's your signature under page one
15 and your signature under pages two and three, correct?

16 A Uh-huh.

17 Q Isn't it true, sir, that you were assisting
18 Jeroid Price in trying to elude the police as early as
19 Tuesday, December the 10th, when you got him that cell
20 phone?

21 A No.

22 Q Thank you, Mr. Woods. Answer any questions
23 that defense counsel has for you.

24 THE COURT: Thank you, Mr. Pascoe.

25 THE COURT: Mr. Littlejohn.

Jason Wood - Direct

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1 MR. LITTLEJOHN: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. LITTLEJOHN:

4 Q Mr. Woods, my name is Cam Littlejohn. I
5 represent Jeroid Price.

6 A Uh-huh.

7 Q Mr. Woods, how old are you?

8 A I'm 22.

9 Q Do you live in Columbia?

10 A Yes, I do.

11 Q Have you lived in Columbia all your life?
12 Are you in school?

13 A No.

14 Q Are you working?

15 A Yes.

16 Q What do you do?

17 A I'm a mentor.

18 Q You're a mentor?

19 A Yes.

20 Q What do you do as a mentor? Who do you work
21 for?

22 A It's called the Mentor Network. It's like
23 group homes for the mentally disabled.

24 Q Okay. So you're employed by the State?

25 A No, it's a privately owned company.

Jason Wood - Cross

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1 Q A privately owned company, okay. Mr. Woods,
2 let me back up a second to December of last year. You
3 indicated that you went to the Voodoo Club with Bryan
4 Brooks --

5 A Uh-huh.

6 Q -- and Sherman Patrick -- Anthony Sherman
7 Patrick, just the three of y'all?

8 A Yes.

9 Q You need to answer up so the Court Reporter
10 can take down your answer.

11 A Yes.

12 Q Okay. And you said y'all got there about
13 12:30 a.m.?

14 A Yes.

15 Q Now, when you went into the Voodoo Club, did
16 you see Carl Smalls?

17 A Yes.

18 Q Did you know Carl Smalls or know who he was?

19 A No.

20 Q How do you know who I'm talking about?

21 A Because he's the victim.

22 Q Okay. Big guy?

23 A Yes, a big guy.

24 Q Real big guy, okay. And did you observe Carl
25 Smalls during the course of the evening while you were

Jason Wood - Cross

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1 in there?

2 A Yes, I did.

3 Q And did you see him in any kind of arguments
4 or confrontations?

5 A Yes, I did.

6 Q Okay. How many times did that occur that you
7 saw?

8 A Over and over, consistently throughout the
9 night.

10 Q Consistently through the night, okay.

11 A He might be arguing with one guy. They might
12 break it up. Later on, he'd be arguing with somebody
13 else, you know. No fights broke out, but he was
14 constantly into some kind of altercation with somebody.

15 Q Okay. From what you could see, who was
16 starting these altercations?

17 A Smalls was.

18 Q And this was a continuous thing that you saw?

19 A From the time that I was there till the time
20 that I left, he was in something.

21 Q Did he get into something with Jeroid Price?

22 A I can't say directly, but, you know, it was
23 like a crowd of guys. He was standing inside of the
24 crowd, and Smalls was talking to all of them, I guess.
25 You know, I couldn't make out what they was saying,

Jason Wood - Cross

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1 because I wasn't standing close enough to hear over the
2 music. But I could see them, you know, that he was
3 talking to them.

4 Q Okay. And you say this went on most of the
5 night, okay. Now, Mr. Woods, did you leave the party
6 when it was more or less declared over with?

7 A Yes, I did.

8 Q That's when the music stopped and the lights
9 came on?

10 A Yes, the lights came on. It was over.

11 Q Okay. And I believe you said you went
12 outside, and you and Anthony Patrick were talking to
13 some girls or trying to talk to some girls, is that
14 right?

15 A Yes.

16 Q Okay. Then you indicated that you heard a
17 shot?

18 A Yes, I did.

19 Q Okay. And Ryan Brooks came and got in the
20 vehicle with you, is that right?

21 A Yes.

22 Q And you didn't have any conversation with him
23 about what might have occurred at that time, isn't that
24 right?

25 A No.

Jason Wood - Cross

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1 Q Now, between December 7, 2002, and December
2 10, 2002, had you given any kind of statement to the
3 Sheriff's Department?

4 A No, I don't think so.

5 Q Had any sheriff or deputy sheriff come and
6 interviewed you, any investigator?

7 A No.

8 Q So you didn't know what was going on?

9 A No, I didn't.

10 Q Okay. Now, you indicated that you had gotten
11 a telephone, you said for Jeroid Price?

12 A Yes.

13 Q And you did that because Jeroid owed them
14 some money, didn't he?

15 A Yes, he did.

16 Q He got disconnected?

17 A He owed money to the Sprint Company where I
18 bought the phone from.

19 Q Okay.

20 A I had never had an account there, so it would
21 be easier, you know, to get it in my name without
22 having to pay back all the money that he already owed.

23 Q Okay. So you were doing that as a favor to
24 Jeroid?

25 A As a favor.

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Jason Wood - Cross

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1 Q Did you think you were doing anything wrong?

2 A No, I didn't.

3 Q You were trying to help him?

4 A Yes.

5 Q And, Mr. Woods, later on, when you were
6 interviewed the second time, you told the investigators
7 about that phone, didn't you?

8 A Yes, I did.

9 Q Now, let me back up a second. When Mr.
10 Pascoe asked you about your two statements that you
11 made, the day after you were at the Voodoo Lounge, did
12 you have a conversation with Ryan Brooks about what may
13 have happened?

14 A I think so, either that day or the day after.

15 Q Okay.

16 A Sometime on that weekend.

17 Q All right. And at that time, Ryan Brooks
18 made a statement to you, didn't he?

19 A Yes, he did.

20 Q And he told you what happened?

21 A Yes, he told me what happened.

22 Q Okay. And you told the investigators about
23 that conversation, didn't you?

24 A Yes, I told them what he told me.

25 Q Okay. And you gave that statement to the

Jason Wood - Cross

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1 investigators the first time you were interviewed on
2 December 17th, is that right?

3 A Yes.

4 Q Okay. And I believe you told them -- and I'm
5 reading from State's Exhibit 68 -- that "Yes, I spoke
6 to B.D."

7 A That's his name, his street name.

8 Q Okay, that's Brooks -- "the next day, and he
9 told me that J.P. and the victim were having words at
10 the front door and the victim saw that J.P. had a gun
11 in his waist. B.D. said that the guy rushed J.P. and
12 was trying to take his gun away from him."

13 A Correct.

14 Q Did you tell them that?

15 A Correct.

16 Q Okay. "And B.D." -- that's Brooks -- "said
17 that he then pulled his gun and shot the victim in his
18 hip."

19 A Correct.

20 Q And that's what he told you. "B.D. then said
21 that after he shot, he then turned and went out the
22 door."

23 A Right.

24 Q Okay. And you told the agents that on
25 December 17th, is that right?

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Jason Wood - Cross

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1 A Yes, I did.

2 Q Okay. And that's what Brooks told you the
3 day after you were at the Voodoo Club?

4 A Either that Saturday or Sunday, one of the
5 two.

6 Q Okay. And on that day that you were
7 interviewed, December 17th, why didn't you tell the
8 officers about Brooks having a gun and Brooks riding
9 home with you?

10 A Because I didn't want to be involved. I
11 didn't know if I was going to get in trouble for being
12 in the car with him after he had done shot somebody.

13 Q Okay. So you were scared of that?

14 A Yes.

15 Q And that's why you didn't mention it?

16 A Yes.

17 Q And, Mr. Woods, you didn't see anybody shoot
18 anybody that night?

19 A I did not see anybody.

20 Q You just heard shots, you didn't see
21 anything?

22 A All I heard was the shots, and I saw Brooks
23 run and get in the car. That's it.

24 MR. LITTLEJOHN: If you'd give me just a
25 moment, Your Honor.

Jason Wood - Cross

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1 THE COURT: Yes, sir.

2 Q Mr. Woods, one final thing. Did you ever
3 know Jeroid Price by his initials? Did you ever call
4 him J.P.?

5 A No, I didn't.

6 Q Have you ever heard him called J.P.?

7 A I don't know.

8 Q You don't know -- all right. That's all I
9 have, Your Honor.

10 THE COURT: Thank you, sir.

11 THE COURT: Mr. Pascoe.

12 RE-DIRECT EXAMINATION

13 Q Just now on cross-examination, you were
14 referring to him as J.P., before Mr. Littlejohn asked
15 you that question, weren't you?

16 A I didn't say J.P.

17 Q He asked you if you told the police that,
18 referring to him as J.P., and you said yes, in your
19 statement. Isn't that true?

20 A I don't know what you're talking about.

21 Q And let me ask you this. How many times did
22 you see the victim getting in a confrontation that
23 night?

24 A I don't know. I wasn't counting how many
25 times he was getting in a confrontation with somebody.

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Jason Wood - Redirect

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1 Q Isn't it true you didn't even get there until
2 like at least after 12:30 that evening?

3 A How do you know that?

4 Q Oh, I know because of the phone records. You
5 want to take a look at them?

6 A Phone records -- well.

7 THE COURT: Before you even get to that
8 part, Mr. Pascoe, let's help Mr. Wood understand
9 something. Sir, you are a witness. You've been
10 brought here to testify. The lawyers ask the
11 questions, and you answer the questions, sir, okay?
12 You don't ask them questions. Are we clear?

13 MR. WOOD: Yes, Your Honor.

14 THE COURT: Thank you, sir.

15 MR. PASCOE: Thank you, Your Honor.

16 Q You and your friends, Mr. Brooks and Mr.
17 Patrick -- isn't it true that after midnight, at 12:34,
18 12:35, 12:38 -- were attempting to call Jeroid Price to
19 tell him you were on the way?

20 A Who was -- I was? I don't have a phone. I
21 wasn't calling nobody. And I told you I didn't know
22 exactly what time we got there.

23 Q That's my point. Would you agree now that it
24 was sometime after 12:30?

25 A I guess so.

Jason Wood - Redirect

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1 Q And it's amazing -- isn't it true in your
2 statement you could talk about people wearing blue and
3 blue rags, but you didn't see anybody wearing red get
4 into any confrontations?

5 A I seen them with blue rags. I did not see no
6 red rags.

7 Q Did you see anybody you thought might be a
8 Blood?

9 A I don't -- no, no.

10 Q No -- and Jeroid Price isn't a Blood,
11 correct?

12 A Not that I know of.

13 Q And let me ask you this. Did you ever see
14 Jeroid Price tell someone he was going to fall like
15 "The Matrix"?

16 A No. I could not hear what he was saying or
17 Smalls was saying. I could just see what was going on.
18 I don't know what they said.

19 Q Was Jeroid Price ever in Carl Smalls' face,
20 squaring off with one another?

21 A I mean, if Smalls walks into his face, is he
22 in Smalls' face?

23 Q Were they face-to-face that evening on the
24 dance floor?

25 A Maybe so. I can't say. They was arguing.

Jason Wood - Redirect

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1 It was a group. Maybe he was in his face and everybody
2 else's face who was with him.

3 Q And, finally, Mr. Littlejohn asked you, "You
4 didn't think you were doing anything wrong?" when you
5 knew that the defendants may have been involved in a
6 shooting on the 8th and on the 10th you put a telephone
7 in your name because Jeroid Price asked you to?

8 A No, I did not.

9 Q And did you see Jeroid Price again on the
10 11th?

11 A I did not see Jeroid after that, period.

12 Q The 12th, the 13th, anytime -- did you ever
13 see him again?

14 A No.

15 Q Anytime in the month of December or January?

16 A No.

17 Q But you did talk to him by telephone?

18 A Yes.

19 Q Before you gave your second statement to
20 Investigator Smith, to the Sheriff's Department?

21 A In between the two statements, you're saying
22 I talked to him, right?

23 Q Right.

24 A Okay.

25 Q And, finally, Mr. Littlejohn asked you, "You

Jason Wood - Redirect

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1 did tell the police in your second statement that you
2 got Jeroid Price a phone?"

3 A Yes.

4 Q But that was only because the police found
5 out about it before you even told them, as you said in
6 direct, isn't that true?

7 A Yes, they asked me about it, and I told them
8 about it.

9 Q You never would have told them about it if
10 they hadn't asked you about it, isn't that true?

11 A Maybe so.

12 Q Because you were protecting your friend,
13 Jeroid Price. That's all I have.

14 THE COURT: Thank you.

15 MR. LITTLEJOHN: One final question,
16 Your Honor.

17 THE COURT: Yes, sir.

18 RE-CROSS EXAMINATION

19 BY MR. LITTLEJOHN:

20 Q The first time you were interviewed, did they
21 ask you about the telephone?

22 A No, they did not.

23 Q That's all I have, Your Honor.

24 THE COURT: Thank you.

25 THE COURT: Mr. Wood, you can step off

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Jason Wood - Recross

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1 the stand, sir.

2 THE COURT: The State may call their
3 next witness.

4 MR. SORENSON: Thank you, Honor. The
5 State calls Investigator Anna Elsey Clemmons.

6 (The witness was sworn.)

7 CLERK OF COURT: Please have a seat and
8 state your full name for the record.

9 MS. CLEMMONS: Anna Elsey Clemmons.

10 ANNA ELSEY CLEMMONS, having
11 first been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. SORENSON:

14 Q Good afternoon.

15 A Good afternoon.

16 Q If you would, please tell the jury where
17 you're employed.

18 A The Richland County Sheriff's Department.

19 Q And what do you do with the Sheriff's
20 Department?

21 A I am currently assigned to the Forensic Unit
22 investigative unit.

23 Q Okay. And how long have you been employed in
24 that capacity?

25 A Since October of '98.

Anna Clemmons - Direct

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1 Q And were you with the Sheriff's Department
2 before that, also?

3 A I was. I was hired July of '96.

4 Q And were you a road deputy prior?

5 A I worked uniform patrol for a little over two
6 years.

7 Q So from '98 until the present, you've been in
8 the Forensic Unit?

9 A That's correct.

10 Q If you would, just tell the jury a little bit
11 about what at the Forensic Unit at the Sheriff's
12 Department your day-to-day activities are.

13 A Our main duties comprise working all crime
14 scenes, whether that be a burglary, rape, assault,
15 homicide. And in working those scenes, that involves
16 photography, sketches, blood pattern analysis,
17 fingerprints, and collecting any type of physical
18 evidence that may be needed to solve the crime or to
19 relate either a victim to the crime or a suspect to the
20 crime.

21 Q And, specifically, Investigator Clemmons,
22 when you respond to a crime scene -- specifically in
23 this case, a homicide -- if you would, tell the jury
24 what steps you go about when you arrive at that crime
25 scene as far as making sure it's secure and then going

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1 about doing your job.

2 A When I first arrive on the scene, I try to
3 make contact with the officers or the investigators
4 that arrived there before I did, to determine what
5 happened and what we need to do. I'll do an initial
6 walk-through with them, and then I will start
7 photographing and marking, collecting evidence that we
8 think we may need.

9 Q Now, if I could, I'd like to turn your
10 attention, Investigator, back to the early morning
11 hours of Saturday, December the 7th, of last year. Did
12 you have the opportunity to respond out to Club
13 Voodoo's at 7351 Garners Ferry Road here in Richland
14 County?

15 A I did. I was notified at 2:40 in the morning
16 and arrived there at 3:00.

17 Q Okay. And, if you would, tell the jury, when
18 you arrived out there, was the scene secured at that
19 point in time?

20 A When I arrived, I observed crime scene tape
21 across the front of the building and officers outside
22 of the entrances.

23 Q Okay. And did they inform you at that point
24 in time that they had secured the area inside the club
25 where the shooting had occurred?

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1 A They did.

2 Q What did you then do at that point in time?

3 A I would have then made contact with the
4 deputies to find out what occurred prior to my arrival
5 as far as any individuals in the scene, any EMS
6 personnel that had been inside the scene. I would have
7 then walked through the scene and began photographing,
8 taking general photographs initially.

9 Q And, as you came inside, would you describe
10 for the jury the scene that you encountered?

11 A There was one individual on the floor right
12 at the entrance, and then the club was in kind of
13 disarray, a lot of cups, trash on the floor, but it was
14 empty.

15 Q And you indicated that you photographed the
16 scene at that point?

17 A That's correct.

18 MR. SORENSON: Beg the Court's
19 indulgence.

20 THE COURT: Yes, sir.

21 MR. LITTLEJOHN: We have no objection.

22 THE COURT: Without objection -- what
23 numbers are those, Mr. Sorenson?

24 MR. SORENSON: Your Honor, I just need
25 for you to you bear with me one second.

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1 THE COURT: Yes, sir.

2 MR. SORENSON: This is going to be
3 State's Exhibits 8, 9, 11 through 16, and then 18
4 through 37.

5 THE COURT: Thank you, sir.

6 Q Ma'am, if I could, I'll show you these and
7 let you kind of go through them initially. Do those
8 all accurately depict the scene that you came upon in
9 those early morning hours?

10 A Yes, sir.

11 Q And also let me show you State's Exhibit #17,
12 which is already into evidence. Is that another
13 photograph that was taken out there, also?

14 A Yes, sir.

15 Q Okay. Now, if you would, describe for the
16 jury -- you indicated that you would have initially
17 photographed the scene and then gone about attempting
18 to find any evidence around the body, is that correct?

19 A Yes. I would have located the evidence right
20 around the body where there may be some movement in
21 removing the body. I would have photographed that
22 evidence, marked it, and photographed again, and then
23 collected that evidence.

24 Q Okay. And if you would, tell the jury what
25 items were out there that you collected, specifically

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1 within the close vicinity of the victim, Mr. Smalls?

2 A I collected three shell casings, several
3 fragments, and another large fragment, and a
4 projectile.

5 Q And by "fragments," fragments of what?

6 A Of a bullet.

7 Q And then actually a projectile, so a bullet?

8 A Yes.

9 Q And then I believe you indicated three shell
10 casings?

11 A Correct.

12 Q Okay. And those items were photographed
13 before they were collected?

14 A Yes.

15 Q Also, were there any other items that were by
16 the victim?

17 A There was a cell phone.

18 Q Okay. And, Your Honor, if I could get her to
19 step down, with the Court's permission?

20 THE COURT: Certainly, yes, sir.

21 Q You had indicated, Investigator Elsey, that
22 when you first got there, the sides of the victim being
23 right inside kind of a hallway, is that correct?

24 A Yes.

25 Q And the rest of the club was kind of in

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1 disarray?

2 A Yes.

3 Q Okay. I'm showing you State's Exhibits 8, 9,
4 11, 12, 13, and 14. Just kind of go through them for
5 the jury to show them what you mean by that.

6 A This is when you walk -- this is kind of
7 through the entrance, looking out. There's a bar area
8 here, here, and I believe what is a stage area,
9 straight back here. And that's just another closer
10 look, kind of on the left side of the room, looking
11 straight back into the club.

12 This is looking from that stage area back
13 towards the entrance, back over here. Again, that's
14 the bar area -- or one of them. And then that's the
15 bar area on the right. And, again, this is the
16 entrance here when you first walk in the club.

17 Q I'm showing you State's Exhibit #15.

18 A I just thought I'd show them this one. This
19 is that crime scene tape. This is on the other side of
20 the tape, back here at the entrance.

21 Q And that's, I guess, an exit, right?

22 A Well, that's where we entered, these two.
23 But it's also an exit.

24 Q Okay. And that would be Mr. Smalls laying on
25 the floor there, is that correct?

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1 A Yes, sir.

2 Q And, now, I believe you had indicated before
3 you had said that you found out there several bullet
4 fragments, a projectile, three shell casings, and a
5 cell phone?

6 A Yes.

7 Q Did you mark them in some way before you
8 collected them?

9 A I did, with one of our yellow evidence
10 markers.

11 Q Okay. I'm showing you -- looking at State's
12 Exhibits #16 and #17, do those depict those evidence
13 markers on the floor in those two photographs?

14 A Yes, they do. They're here and there.

15 Q And I guess one up here by Mr. Smalls, and
16 two and three against the wall; four, five, and six, I
17 believe, are depicted in those photographs?

18 A Correct.

19 Q Okay. Now, if I could, I'd like you to go
20 through them and show number one, which is up here by
21 Mr. Smalls, kind of right beside his waist area, is
22 that correct?

23 A Correct.

24 Q I'm showing you State's Exhibit #18. What
25 does that depict?

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1 A That's a closer shot of number one. That's
2 the large fragment I was speaking of, the bullet
3 fragment.

4 Q Okay. And I'm showing you State's Exhibit
5 #48. And is that the actual fragment that you
6 collected?

7 A Yes.

8 Q Your Honor, at this time, we'd offer State's
9 Exhibit #48 into evidence.

10 THE COURT: Any objection, Mr.
11 Littlejohn?

12 MR. LITTLEJOHN: No objection.

13 THE COURT: Without objection.

14 (State's Exhibit 48 was
15 received in evidence.)

16 Q Again, that is a bullet fragment, and I guess
17 it's flattened out after it hits the floor or something
18 of that nature?

19 A Correct.

20 Q Okay. State's Exhibit #19, what's being
21 depicted in that photograph?

22 A That's the cell phone, number two, that was
23 also beside Mr. Smalls.

24 Q And that would be kind of right where you can
25 see the very top of the evidence marker, is that

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1 correct?

2 A Correct.

3 Q And number three?

4 A Number three is a shell casing from a .380, I
5 believe.

6 Q I'm showing you State's Exhibit #42. What
7 does that appear to be?

8 A Casings.

9 Q Your Honor, the State would offer State's #42
10 into evidence.

11 MR. LITTLEJOHN: No objection.

12 THE COURT: Without objection.

13 (State's Exhibit 42 was
14 received in evidence.)

15 Q You had indicated that was a .380 shell
16 casing, is that correct, with the caliber on the end of
17 it?

18 A Correct. It's a .380.

19 Q Once again, for those of us who aren't as
20 familiar with firearms, what is a shell casing?

21 A This is actually -- prior to being fired, you
22 have this part and then the actual bullet that comes
23 out. But the shell casing is released from the gun,
24 and the bullet is ejected out.

25 Q And if I fire a semi-automatic handgun, what

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1 happens with the shell casing after the bullet is fired
2 out --

3 A It's ejected --

4 Q -- out of the shell casing?

5 A -- ejected from the gun.

6 Q So it would be found possibly on the floor
7 like this was found?

8 A Correct.

9 Q What's the difference between a semi-
10 automatic pistol and a revolver? What happens with the
11 shell casing in a revolver?

12 A A revolver has an actual cylinder, and it
13 keeps the shell casing. It does not release it like
14 the semi-automatic does.

15 Q Now I'm showing you State's Exhibit #21.
16 What's depicted in that photograph?

17 A That's another shell casing, and it's a .40-
18 caliber.

19 Q That was marked as four, is that correct?

20 A Correct.

21 Q And now I'm showing you State's Exhibit #43.
22 Is that a shell casing?

23 A Correct.

24 Q Your Honor, at this time we'd offer State's
25 43 into evidence.

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1 MR. LITTLEJOHN: No objection. If I
2 might ask, what caliber is it?

3 MR. SORENSON: It's a .40-caliber.

4 THE COURT: Without objection.

5 (State's Exhibit 43 was
6 received in evidence.)

7 Q And I'll let you hold that. A .40-caliber,
8 is that a larger handgun than a .380-caliber handgun?

9 A That would be smaller than the .380.

10 Q Once again, that was found, I guess, kind of
11 right at Mr. Smalls' foot, marker number four?

12 A Correct.

13 Q How about marker number five?

14 A Again, that's another shell casing, which is
15 also .40.

16 Q And that's found almost right next to number
17 four, right?

18 A Right, just in front of it here.

19 Q I'm showing you State's Exhibit #44. That's
20 another .40-caliber shell casing?

21 A Yes.

22 Q Your Honor, at this time we'd offer State's
23 44 into evidence.

24 MR. LITTLEJOHN: No objection.

25 THE COURT: Without objection, it's

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1 admitted.

2 (State's Exhibit 44 was
3 received in evidence.)

4 Q Now I'm showing you State's Exhibit #23.
5 It's marker number six?

6 A Yes. Again, that's one of the fragments that
7 would have come off of the actual bullet when the gun
8 was fired.

9 Q And that's, I guess, a little farther down
10 the hallway kind of back in --

11 A Yes.

12 Q -- towards the club a little way?

13 A Right.

14 Q And that's in State's Exhibit #47?

15 A Yes, six.

16 Q Your Honor, at this time we'd offer State's
17 47 into evidence.

18 MR. LITTLEJOHN: That corresponds with
19 marker number six?

20 MR. SORENSON: That is marker number
21 six, yes, sir.

22 MR. LITTLEJOHN: No objection, Your
23 Honor.

24 THE COURT: Without objection. Thank
25 you.

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1 (State's Exhibit 47 was
2 received in evidence.)

3 Q Now, looking at these photographs, I don't
4 see a marker number seven. Did there come a time when
5 y'all were able to locate --

6 A Yes, once he was moved and we moved the cups.

7 Q Is that where Mr. Smalls was kind of tucked
8 up in the corner at that time when you got there?

9 A Yes, sir.

10 Q Now, could you tell if he had been moved at
11 all by the time you got to him, or do you have any
12 idea?

13 A I was advised that he was, but that was based
14 on --

15 MR. LITTLEJOHN: Your Honor, I'm going
16 to object that it would be hearsay, unless she knows of
17 her own knowledge.

18 THE COURT: Okay. Certainly, it's
19 sustained.

20 A That's how he was found when I got there.

21 Q Okay. When you got there, that's where he
22 was, in that position?

23 A Correct.

24 Q Okay. And this is kind of a close-up of his
25 head. Did he appear to have had his head resting on

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1 any items?

2 A Yes. There's a sign right there in the
3 corner, an exit sign.

4 Q An exit sign. And there are also some
5 plastic cups up there, I guess?

6 A Yes.

7 Q Upon Mr. Smalls being moved, was there
8 anything located --

9 A Later, once I moved the cups here, I located
10 another projectile.

11 Q And is that actually depicted in State's
12 Exhibit 27?

13 A Yes, it's right here in front of the plastic
14 cups.

15 Q Okay. And what was it that you found there
16 on that?

17 A It was a bullet.

18 Q I'm showing you State's Exhibit #45. Is that
19 the bullet that you found?

20 A Yes.

21 Q Okay. And that bullet would then have come
22 out of a shell casing?

23 A Correct.

24 Q One of those would have come out of?

25 A Yes.

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1 Q At this time, Your Honor, we'd offer State's
2 45 into evidence.

3 MR. LITTLEJOHN: No objection.

4 THE COURT: Without objection. Thank
5 you.

6 (State's Exhibit 45 was
7 received in evidence.)

8 Q And I see in this picture a marker -- this is
9 State's 28 -- a marker number eight on the floor?

10 A Yes.

11 Q What did you ultimately find there that you
12 marked as number eight?

13 A This corresponds with a hole in the carpet
14 that was also located.

15 Q In State's 29, is that shown up close?

16 A It was actually near where marker one was
17 located. This is marker one. I located this here,
18 again, cutting the carpet to see if anything was
19 possibly under the carpet itself.

20 Q State's Exhibit 30, I guess that's to show
21 where the red carpet has been pulled back?

22 A Right.

23 Q Number 31, is that the hole that was cut out
24 of the carpet?

25 A Yes, that was from the carpet being cut out.

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1 Q When you cut that carpet away, did there
2 appear to be anything underneath it?

3 A I did locate several very small fragments and
4 what appeared to be an indentation into the floor
5 itself.

6 Q As to the small fragments, I'm showing you
7 State's Exhibit #46. Is that those fragments?

8 A Appears to be, yes.

9 Q And, Your Honor, at this time we'd offer
10 State's 46 into evidence.

11 THE COURT: Mr. Littlejohn.

12 MR. LITTLEJOHN: That corresponds to
13 what, please?

14 INVESTIGATOR CLEMMONS: It's 2AC.

15 MR. LITTLEJOHN: 2AC?

16 MR. SORENSON: 2AC, and it's marker
17 number eight.

18 MR. LITTLEJOHN: No objection.

19 THE COURT: Okay. Thank you, sir.

20 (State's Exhibit 46 was
21 received in evidence.)

22 Q Now, you had indicated that there was an
23 indentation --

24 BAILIFF: Excuse me, Your Honor. We
25 have a juror that's sick all of a sudden. I'm sorry.

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1 THE COURT: Okay, ladies and gentlemen,
2 we'll let you all take a break and take care of this.
3 Just don't discuss the testimony or evidence you've
4 seen or heard thus far. Thank you.

5 (Jury out at 3:30 p.m.)

6 THE COURT: Okay. Thank you, sir.
7 We'll stand down for a few minutes while we check on
8 our juror. Investigator, you may step down. I just
9 remind you you're still on the stand and still under
10 oath. We'll be in recess for a few minutes.

11 THE COURT: Counsel, I understand we're
12 ready to continue.

13 THE COURT: Investigator, if you'll just
14 retake the stand. Thank you, ma'am.

15 THE COURT: We're ready for the jury.

16 (The jury returned to the
17 courtroom at 3:47 p.m., after which the following
18 proceedings were had:)

19 BAILIFF: The jury is all present, Your
20 Honor.

21 THE COURT: Thank you, sir.

22 THE COURT: Thank you, ladies and
23 gentleman. Do you all feel all right? Okay. If you
24 need anything, just let us know, and we'll stop and
25 accommodate you, ma'am. We're ready to continue.

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1 THE COURT: Mr. Sorenson, you can
2 continue, sir.

3 MR. SORENSON: Thank you. Can she step
4 back down?

5 THE COURT: Yes, sir.

6 Q I believe where we had left, Investigator
7 Clemmons, was you indicated that you had dug some small
8 fragments out of that kind of carpeting?

9 A This is the general area where they were
10 collected.

11 Q You indicated, I believe, earlier that there
12 was almost like a little indentation in the floor. I'm
13 showing you State's Exhibit #32. Does that show that
14 indentation?

15 A Yes, it does.

16 Q What did that appear to be consistent with?

17 A It appears to be consistent with a force
18 going straight down to cause that indentation.

19 Q Such as a bullet?

20 COURT REPORTER: I can't hear her.

21 A Yes, that's possible.

22 THE COURT: You may need to speak up a
23 little bit so the Court Reporter can hear.

24 Q You said it was consistent with a force going
25 straight down, I believe?